

**\*\*\* Pending \*\*\***

**COMMITTEE AMENDMENT NO 1 PROPOSED TO**

**House Bill No. 1149**

**BY: Committee**

**Amend by striking all after the enacting clause and inserting  
in lieu thereof the following:**

55           **SECTION 1.** The following provision shall be codified as  
56 Section 21-29-327, Mississippi Code of 1972:

57           21-29-327. Any municipality that has established a  
58 retirement fund or disability and relief fund under Articles 1, 3  
59 and 5 of this chapter shall be assessed interest on delinquent  
60 payments as determined by the Board of Trustees of the Public  
61 Employees' Retirement System in accordance with rules and  
62 regulations adopted by the board of trustees. Any delinquent  
63 payments, assessed interest and any other amount certified by the  
64 board of trustees as owed by the municipality may be recovered by  
65 action in a court of competent jurisdiction against the  
66 municipality or may, upon due certification of delinquency and at  
67 the request of the board of trustees, be deducted from any other  
68 monies payable to the municipality by any department or agency of  
69 the state.

70           **SECTION 2.** The following provision shall be codified as  
71 Section 21-29-329, Mississippi Code of 1972:

72           21-29-329. (1) Any municipality that has established a  
73 retirement fund or disability and relief fund under the provisions

74 of Article 1, 3 or 5 of this chapter, shall be authorized to adopt  
75 a resolution to allow those spouses who are receiving retirement  
76 benefits under the provisions of those articles, to continue to  
77 receive the spouse retirement benefits for life even if the spouse  
78 remarries. The resolution also may provide that surviving spouses  
79 of deceased members who received spouse retirement benefits that  
80 were terminated upon remarriage may again receive the spouse  
81 retirement benefits from and after making application with the  
82 Board of Trustees of the Public Employees' Retirement System to  
83 reinstate the benefits. Any reinstatement of spouse retirement  
84 benefits shall be prospective only from and after the first of the  
85 month following the date of application for reinstatement.

86 (2) The continuation or reinstatement of spouse retirement  
87 benefits authorized under this section shall not be continued or  
88 reinstated unless all of the following requirements are met:

89 (a) The municipal retirement fund or disability and  
90 relief fund is actuarially sound, as shown by the most recent  
91 actuarial study required by Section 21-29-27, 21-29-119 or  
92 21-29-221;

93 (b) The municipal retirement fund or disability and  
94 relief fund will remain actuarially sound if the spouse retirement  
95 benefits are continued or reinstated, as shown by a certified  
96 statement from the actuarial firm that prepared the most recent  
97 actuarial study;

98 (c) The governing authorities of the municipality adopt  
99 a resolution requesting the continuation or reinstatement of the  
100 spouse retirement benefits as authorized in this section and  
101 transmit the resolution to the Board of Trustees of the Public  
102 Employees' Retirement System; and

103 (d) If applicable, the surviving spouse makes an  
104 application to the Board of Trustees of the Public Employees'  
105 Retirement System to reinstate the spouse retirement benefits.

106           **SECTION 3.** Section 25-11-15, Mississippi Code of 1972, is  
107 amended as follows:

108           25-11-15. (1) Board of trustees: The general  
109 administration and responsibility for the proper operation of the  
110 Public Employees' Retirement System and the federal-state  
111 agreement and for making effective the provisions of Articles 1  
112 and 3 are \* \* \* vested in a board of trustees.

113           (2) The board shall consist of ten (10) trustees, as  
114 follows:

115                   (a) The State Treasurer;

116                   (b) One (1) member who shall be appointed by the  
117 Governor for a term of four (4) years, who shall be a member of  
118 the system;

119                   (c) Two (2) members of the system having at least ten  
120 (10) years of creditable service who are state employees who are  
121 not \* \* \* employees of the state institutions of higher learning,  
122 who shall be elected by members of the system who are employees of  
123 state agencies and by members of the Mississippi Highway Safety  
124 Patrol Retirement System, but not by employees of the state  
125 institutions of higher learning;

126                   (d) Two (2) members of the system having at least ten  
127 (10) years of creditable service who do not hold office in the  
128 legislative or judicial departments of municipal or county  
129 government, one (1) of whom shall be an employee of a  
130 municipality, instrumentality or juristic entity thereof, who  
131 shall be elected by members of the system who are employees of the  
132 municipalities, instrumentalities or juristic entities thereof and  
133 by members of the municipal systems and the firemen's and  
134 policemen's disability and relief funds administered by the board  
135 of trustees, and one (1) of whom shall be an employee of a county,  
136 instrumentality or juristic entity thereof, who shall be elected

137 by members of the system who are employees of the counties,  
138 instrumentalities or juristic entities thereof;

139 (e) One (1) member of the system having at least ten  
140 (10) years of creditable service who is an employee of a state  
141 institution of higher learning, who shall be elected by members of  
142 the system who are employees of the state institutions of higher  
143 learning as included in Section 37-101-1. Any member of the board  
144 on July 1, 1984, who is an employee of an institution of higher  
145 learning shall serve as the member trustee representing the  
146 institutions of higher learning until the end of the term for  
147 which he was elected;

148 (f) Two (2) retired members who are receiving a  
149 retirement allowance from the system, who shall be elected by the  
150 retired members or beneficiaries receiving a retirement allowance  
151 from the system and by the retired members or beneficiaries of the  
152 municipal systems, the firemen's and policemen's disability and  
153 relief funds and the Mississippi Highway Safety Patrol Retirement  
154 System administered by the board of trustees, to serve for a term  
155 of six (6) years under rules and regulations adopted by the board  
156 to govern that election; however, any retired member of the board  
157 in office on April 19, 1993, shall serve as a retired trustee  
158 until the end of the term for which he was elected;

159 (g) One (1) member of the system having at least ten  
160 (10) years of creditable service who is an employee of any public  
161 school district or junior college or community college district  
162 that participates in the system, who shall be elected by the  
163 members of the system who are employees of any public school  
164 district or junior college or community college district; however,  
165 any member of the board on June 30, 1989, who is a certified  
166 classroom teacher shall serve as the member representing a  
167 classroom teacher until the end of the term for which the member  
168 was appointed;

169           (h) In the first election to be held for trustees one  
170 (1) member shall be elected for a term of two (2) years, and one  
171 (1) member for a term of four (4) years, and one (1) member for a  
172 term of six (6) years. Thereafter, their successors shall be  
173 elected for terms of six (6) years. All elections shall be held  
174 in accordance with rules and regulations adopted by the board to  
175 govern those elections and the board shall be the sole judge of  
176 all questions arising incident to or connected with the elections.

177           (i) Any person eligible to vote for the election of a  
178 member of the board of trustees and who meets the qualifications  
179 for the office may seek election to the office and serve if  
180 elected. For purposes of determining eligibility to seek office  
181 as a member of the board of trustees, the required creditable  
182 service in "the system" shall include each system administered by  
183 the board of trustees in which the person is a member.

184           The members described above and serving on the board on June  
185 30, 1989, shall continue to serve on the board until the  
186 expiration of their terms.

187           (3) If a vacancy occurs in the office of a trustee, the  
188 vacancy shall be filled for the unexpired term in the same manner  
189 as the office was previously filled. However, if the unexpired  
190 term is six (6) months or less, an election shall be held to fill  
191 the office vacated for the next succeeding full term of office,  
192 and the person so elected to fill the next full term shall be  
193 appointed by the board to fill the remainder of the unexpired  
194 term. Whenever any member who is elected to a position to  
195 represent a class of members ceases to be a member of that class,  
196 that board member is no longer eligible for membership on the  
197 board. The position shall be declared vacant, and the unexpired  
198 term shall be filled in the same manner as the office was  
199 previously filled.

200           (4) Each trustee shall, within ten (10) days after his  
201 appointment or election, take an oath of office as provided by law  
202 and, in addition, shall take an oath that he will diligently and  
203 honestly administer the affairs of the \* \* \* board, and that he  
204 will not knowingly violate or willingly permit to be violated any  
205 of the provisions of law applicable to Articles 1 and 3. The oath  
206 shall be signed by the member making it, certified by the officer  
207 before whom it is taken, and immediately filed in the office of  
208 the Secretary of State.

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

212           (6) Subject to the limitations of Articles 1 and 3, the  
213 board shall establish rules and regulations for the administration  
214 of the system created by those articles and for the transaction of  
215 its business, and to give force and effect to the provisions of  
216 those articles wherever necessary to carry out the intent and  
217 purposes of the Legislature. The cited articles are remedial law  
218 and shall be liberally construed to accomplish their purposes.

219           (7) Notwithstanding any other law to the contrary, in the  
220 event of a natural disaster or other occurrence that results in  
221 the failure of the retirement system's computer system or a  
222 significant disruption of the normal activities of the retirement  
223 system, the executive director of the board, or his deputy, shall  
224 be authorized to contract with another entity, governmental or  
225 private, during the period of the failure or disruption, for  
226 services, commodities, work space and supplies as necessary to  
227 carry out the administration of all systems and programs  
228 administered by the board. The board shall be authorized to pay  
229 the reasonable cost of those services, commodities, work space and  
230 supplies. At the meeting of the board next following the  
231 execution of a contract authorized under this subsection,

232 documentation of the contract, including a description of the  
233 services, commodities, work space or supplies, the price thereof  
234 and the nature of the disaster or occurrence, shall be presented  
235 to the board and placed on the minutes of the board. Because of  
236 their emergency nature, purchases made under this subsection shall  
237 not be required to comply with the provisions of Section 31-7-13  
238 or any other law governing public purchases.

239 (8) \* \* \* The computer equipment and software owned by the  
240 Public Employees' Retirement System are assets of the Trust Fund  
241 by virtue of the Constitution, Section 272-A and acquisition and  
242 operation thereof shall be under the jurisdiction of the Public  
243 Employees' Retirement System.

244 (9) The board shall elect a chairman and shall by a majority  
245 vote of all of its members appoint a secretary whose title shall  
246 be executive director, who shall serve at the will and pleasure of  
247 the board, who shall not be a member of the board of trustees, who  
248 shall be entitled to membership in the system, and who shall act  
249 as secretary of the board. The board of trustees shall employ  
250 such actuarial, clerical and other employees as are required to  
251 transact the business of the system, and shall fix the  
252 compensation of all employees, subject to the rules and  
253 regulations of the State Personnel Board.

254 (10) Each member of the board shall receive as compensation  
255 for his services Three Hundred Dollars (\$300.00) per month. All  
256 members of the board shall be reimbursed for their necessary  
257 traveling expenses, which shall be paid in accordance with the  
258 requirements of Section 25-3-41 or other applicable statutes with  
259 respect to traveling expenses of state officials and employees on  
260 official business. All members of the board shall be entitled to  
261 be members of the system and shall be entitled to creditable  
262 service for all time served as a member of the board, except for  
263 the retired members, who shall not be entitled to be a member of

264 the system and who shall be eligible to receive the retirement  
265 allowance and compensation for services from the system while  
266 serving as a member of the board.

267 (11) All expenses of the board incurred in the  
268 administration of Articles 1 and 3 shall be paid from such funds  
269 as may be appropriated by the Legislature for that purpose or from  
270 administrative fees collected from political subdivisions or  
271 juristic entities of the state. Each political subdivision of the  
272 state and each instrumentality of the state or of a political  
273 subdivision or subdivisions that submit a plan for approval by the  
274 board as provided in Section 25-11-11 shall reimburse the board,  
275 for coverage into the administrative expense fund, its pro rata  
276 share of the total expense of administering Articles 1 and 3 as  
277 provided by regulations of the board.

278 (12) There shall be an investment advisory board to provide  
279 advice and counsel to the board of trustees regarding the  
280 investment of the funds of the system. The advisory board shall  
281 consist of three (3) members, one (1) appointed by the Governor,  
282 one (1) appointed by the Lieutenant Governor, and one (1)  
283 appointed by the Speaker of the House of Representatives. Each  
284 member of the advisory board shall be someone who is not a public  
285 employee who has had at least ten (10) years' experience in  
286 investment banking or commercial banking or who has had at least  
287 ten (10) years' professional experience in managing investments.  
288 Each member of the advisory board shall serve for a term  
289 concurrent with the term of the appointing authority. Any vacancy  
290 on the advisory board shall be filled by appointment of the  
291 original appointing authority for the remainder of the unexpired  
292 term. Members of the advisory board shall receive no compensation  
293 for their services, but shall be reimbursed for their actual and  
294 necessary expenses incurred in the performance of their duties, as  
295 provided in Section 25-3-41 for state officers and employees. The



296 advisory board shall operate under the rules and regulations of  
297 the board of trustees and shall meet at such times as determined  
298 by the board of trustees.

299 (13) The Lieutenant Governor may designate two (2) Senators  
300 and the Speaker of the House of Representatives may designate two  
301 (2) Representatives to attend any meeting of the Board of Trustees  
302 of the Public Employees' Retirement System. The appointing  
303 authorities may designate alternate members from their respective  
304 houses to serve when the regular designees are unable to attend  
305 the meetings of the board. The legislative designees shall have  
306 no jurisdiction or vote on any matter within the jurisdiction of  
307 the board. For attending meetings of the board, the legislators  
308 shall receive per diem and expenses, which shall be paid from the  
309 contingent expense funds of their respective houses in the same  
310 amounts as provided for committee meetings when the Legislature is  
311 not in session; however, no per diem and expenses for attending  
312 meetings of the board will be paid while the Legislature is in  
313 session. No per diem and expenses will be paid except for  
314 attending meetings of the board without prior approval of the  
315 proper committee in their respective houses.

316 **SECTION 4.** Section 25-11-103, Mississippi Code of 1972, is  
317 amended as follows:

318 25-11-103. The following words and phrases as used in  
319 Articles 1 and 3, unless a different meaning is plainly required  
320 by the context, \* \* \* have the following meanings:

321 (a) "Accumulated contributions" \* \* \* means the sum of  
322 all the amounts deducted from the compensation of a member and  
323 credited to his individual account in the annuity savings account,  
324 together with regular interest \* \* \* as provided in Section  
325 25-11-123.

326 (b) "Actuarial cost" \* \* \* means the amount of funds  
327 presently required to provide future benefits as determined by the

328 board based on applicable tables and formulas provided by the  
329 actuary.

330 (c) "Actuarial equivalent" \* \* \* means a benefit of  
331 equal value to the accumulated contributions, annuity or benefit,  
332 as the case may be, when computed upon the basis of such mortality  
333 tables as \* \* \* adopted by the board of trustees, and regular  
334 interest.

335 (d) "Actuarial tables" \* \* \* means such tables of  
336 mortality and rates of interest as \* \* \* adopted by the board in  
337 accordance with the recommendation of the actuary.

338 (e) "Agency" \* \* \* means any governmental body  
339 employing persons in the state service.

340 (f) "Average compensation" \* \* \* means the average of  
341 the four (4) highest years of earned compensation reported for an  
342 employee in a fiscal or calendar year period, or combination  
343 thereof that do not overlap, or the last forty-eight (48)  
344 consecutive months of earned compensation reported for an  
345 employee. The four (4) years need not be successive or joined  
346 years of service. In no case shall the average compensation so  
347 determined be in excess of One Hundred Fifty Thousand Dollars  
348 (\$150,000.00). In computing the average compensation, any amount  
349 lawfully paid in a lump sum for personal leave or major medical  
350 leave shall be included in the calculation to the extent that the  
351 amount does not exceed an amount that is equal to thirty (30) days  
352 of earned compensation and to the extent that it does not cause  
353 the employees' earned compensation to exceed the maximum  
354 reportable amount specified in Section 25-11-103(k); however, this  
355 thirty-day limitation shall not prevent the inclusion in the  
356 calculation of leave earned under federal regulations before July  
357 1, 1976, and frozen as of that date as referred to in Section  
358 25-3-99. Only the amount of lump sum pay for personal leave due  
359 and paid upon the death of a member attributable for up to one

360 hundred fifty (150) days shall be used in the deceased member's  
361 average compensation calculation in determining the beneficiary's  
362 benefits. In computing the average compensation, no amounts shall  
363 be used that are in excess of the amount on which contributions  
364 were required and paid, and no nontaxable amounts paid by the  
365 employer for health or life insurance premiums for the employee  
366 shall be used. If any member who is or has been granted any  
367 increase in annual salary or compensation of more than eight  
368 percent (8%) retires within twenty-four (24) months from the date  
369 that the increase becomes effective, then the board shall exclude  
370 that part of the increase in salary or compensation that exceeds  
371 eight percent (8%) in calculating that member's average  
372 compensation for retirement purposes. The board may enforce this  
373 provision by rule or regulation. However, increases in  
374 compensation in excess of eight percent (8%) per year granted  
375 within twenty-four (24) months of the date of retirement may be  
376 included in the calculation of average compensation if  
377 satisfactory proof is presented to the board showing that the  
378 increase in compensation was the result of an actual change in the  
379 position held or services rendered, or that the compensation  
380 increase was authorized by the State Personnel Board or was  
381 increased as a result of statutory enactment, and the employer  
382 furnishes an affidavit stating that the increase granted within  
383 the last twenty-four (24) months was not contingent on a promise  
384 or agreement of the employee to retire. Nothing in Section  
385 25-3-31 shall affect the calculation of the average compensation  
386 of any member for the purposes of this article. The average  
387 compensation of any member who retires before July 1, 1992, shall  
388 not exceed the annual salary of the Governor.

389 (g) "Beneficiary" \* \* \* means any person entitled to  
390 receive a retirement allowance, an annuity or other benefit as  
391 provided by Articles 1 and 3. The term "beneficiary" may also

392 include an organization, estate, trust or entity. In the event of  
393 the death before retirement of any member whose spouse and/or  
394 children are not entitled to a retirement allowance on the basis  
395 that the member has less than four (4) years of service credit  
396 and/or has not been married for a minimum of one (1) year or the  
397 spouse has waived his or her entitlement to a retirement allowance  
398 under Section 25-11-114, the lawful spouse of a member at the time  
399 of the death of the member shall be the beneficiary of the member  
400 unless the member has designated another beneficiary after the  
401 date of marriage in writing, and filed that writing in the office  
402 of the executive director of the board of trustees. No  
403 designation or change of beneficiary shall be made in any other  
404 manner.

405 (h) "Board" \* \* \* means the board of trustees provided  
406 in Section 25-11-15 to administer the retirement system \* \* \*  
407 created under this article.

408 (i) "Creditable service" \* \* \* means "prior service,"  
409 "retroactive service" and all lawfully credited unused leave not  
410 exceeding the accrual rates and limitations provided in Section  
411 25-3-91 et seq., as of the date of withdrawal from service plus  
412 "membership service" for which credit is allowable as provided in  
413 Section 25-11-109. Except to limit creditable service reported to  
414 the system for the purpose of computing an employee's retirement  
415 allowance or annuity or benefits provided in this article, nothing  
416 in this paragraph shall limit or otherwise restrict the power of  
417 the governing authority of a municipality or other political  
418 subdivision of the state to adopt such vacation and sick leave  
419 policies as it deems necessary.

420 (j) "Child" means either a natural child of the member,  
421 a child that has been made a child of the member by applicable  
422 court action before the death of the member, or a child under the  
423 permanent care of the member at the time of the latter's death,

424 which permanent care status shall be determined by evidence  
425 satisfactory to the board.

426 (k) "Earned compensation" \* \* \* means the full amount  
427 earned by an employee for a given pay period including any  
428 maintenance furnished up to a maximum of One Hundred Fifty  
429 Thousand Dollars (\$150,000.00) per year, and proportionately for  
430 less than one (1) year of service. The value of that maintenance  
431 when not paid in money shall be fixed by the employing state  
432 agency, and, in case of doubt, by the board of trustees as defined  
433 in Section 25-11-15. Earned compensation shall not include any  
434 nontaxable amounts paid by the employer for health or life  
435 insurance premiums for an employee. In any case, earned  
436 compensation shall be limited to the regular periodic compensation  
437 paid, exclusive of litigation fees, bond fees, and other similar  
438 extraordinary nonrecurring payments. In addition, any member in a  
439 covered position, as defined by Public Employees' Retirement  
440 System laws and regulations, who is also employed by another  
441 covered agency or political subdivision shall have the earnings of  
442 that additional employment reported to the Public Employees'  
443 Retirement System regardless of whether the additional employment  
444 is sufficient in itself to be a covered position. In addition,  
445 computation of earned compensation shall be governed by the  
446 following:

447 (i) In the case of constables, the net earnings  
448 from their office after deduction of expenses shall apply, except  
449 that in no case shall earned compensation be less than the total  
450 direct payments made by the state or governmental subdivisions to  
451 the official.

452 (ii) In the case of chancery or circuit clerks,  
453 the net earnings from their office after deduction of expenses  
454 shall apply as expressed in Section 25-11-123(f)(4).

455 (iii) In the case of members of the State  
456 Legislature, all remuneration or amounts paid, except mileage  
457 allowance, shall apply.

458 (iv) The amount by which an eligible employee's  
459 salary is reduced under a salary reduction agreement authorized  
460 under Section 25-17-5 shall be included as earned compensation  
461 under this paragraph, provided this inclusion does not conflict  
462 with federal law, including federal regulations and federal  
463 administrative interpretations under the federal law, pertaining  
464 to the Federal Insurance Contributions Act or to Internal Revenue  
465 Code Section 125 cafeteria plans.

466 (v) Compensation in addition to an employee's base  
467 salary that is paid to the employee under the vacation and sick  
468 leave policies of a municipality or other political subdivision of  
469 the state that employs him that exceeds the maximums authorized by  
470 Section 25-3-91 et seq. shall be excluded from the calculation of  
471 earned compensation under this article.

472 (vi) The maximum salary applicable for retirement  
473 purposes before July 1, 1992, shall be the salary of the Governor.

474 (vii) Nothing in Section 25-3-31 shall affect the  
475 determination of the earned compensation of any member for the  
476 purposes of this article.

477 (l) "Employee" means any person legally occupying a  
478 position in the state service, and shall include the employees of  
479 the retirement system created under this article.

480 (m) "Employer" \* \* \* means the State of Mississippi or  
481 any of its departments, agencies or subdivisions from which any  
482 employee receives his compensation.

483 (n) "Executive director" \* \* \* means the secretary to  
484 the board of trustees, as provided in Section 25-11-15(9), and the  
485 administrator of the Public Employees' Retirement System and all  
486 systems under the management of the board of trustees. Wherever

487 the term "Executive Secretary of the Public Employees' Retirement  
488 System" or "executive secretary" appears in this article or in any  
489 other provision of law, it shall be construed to mean the  
490 Executive Director of the Public Employees' Retirement System.

491 (o) "Fiscal year" \* \* \* means the period beginning on  
492 July 1 of any year and ending on June 30 of the next succeeding  
493 year.

494 (p) "Medical board" \* \* \* means the board of physicians  
495 or any governmental or nongovernmental disability determination  
496 service designated by the board of trustees that is qualified to  
497 make disability determinations as provided for in Section  
498 25-11-119.

499 (q) "Member" \* \* \* means any person included in the  
500 membership of the system as provided in Section 25-11-105.

501 (r) "Membership service" \* \* \* means service as an  
502 employee rendered while a member of the retirement system.

503 (s) "Position" means any office or any employment in  
504 the state service, or two (2) or more of them, the duties of which  
505 call for services to be rendered by one (1) person, including  
506 positions jointly employed by federal and state agencies  
507 administering federal and state funds. The employer shall  
508 determine upon initial employment and during the course of  
509 employment of an employee who does not meet the criteria for  
510 coverage in the Public Employees' Retirement System based on the  
511 position held, whether the employee is or becomes eligible for  
512 coverage in the Public Employees' Retirement System based upon any  
513 other employment in a covered agency or political subdivision. If  
514 or when the employee meets the eligibility criteria for coverage  
515 in the other position, then the employer must withhold  
516 contributions and report wages from the noncovered position in  
517 accordance with the provisions for reporting of earned  
518 compensation. Failure to deduct and report those contributions

519 shall not relieve the employee or employer of liability thereof.  
520 The board shall adopt such rules and regulations as necessary to  
521 implement and enforce this provision.

522 (t) "Prior service" \* \* \* means service rendered before  
523 February 1, 1953, for which credit is allowable under Sections  
524 25-11-105 and 25-11-109, and which shall allow prior service for  
525 any person who is now or becomes a member of the Public Employees'  
526 Retirement System and who does contribute to the system for a  
527 minimum period of four (4) years.

528 (u) "Regular interest" \* \* \* means interest compounded  
529 annually at such a rate as \* \* \* determined by the board in  
530 accordance with Section 25-11-121.

531 (v) "Retirement allowance" \* \* \* means an annuity for  
532 life as provided in this article, payable each year in twelve (12)  
533 equal monthly installments beginning as of the date fixed by the  
534 board. The retirement allowance shall be calculated in accordance  
535 with Section 25-11-111. However, any spouse who received a spouse  
536 retirement benefit in accordance with Section 25-11-111(d) before  
537 March 31, 1971, and those benefits were terminated because of  
538 eligibility for a social security benefit, may again receive his  
539 spouse retirement benefit from and after making application with  
540 the board of trustees to reinstate the spouse retirement benefit.

541 (w) "Retroactive service" \* \* \* means service rendered  
542 after February 1, 1953, for which credit is allowable under  
543 Section 25-11-105(b) and Section 25-11-105(k).

544 (x) "System" \* \* \* means the Public Employees'  
545 Retirement System of Mississippi established and described in  
546 Section 25-11-101.

547 (y) "State" \* \* \* means the State of Mississippi or any  
548 political subdivision thereof or instrumentality of the state.

549 (z) "State service" \* \* \* means all offices and  
550 positions of trust or employment in the employ of the state, or



551 any political subdivision or instrumentality of the state, that  
552 elect to participate as provided by Section 25-11-105(f),  
553 including the position of elected or fee officials of the counties  
554 and their deputies and employees performing public services or any  
555 department, independent agency, board or commission thereof,  
556 and \* \* \* also includesg all offices and positions of trust or  
557 employment in the employ of joint state and federal agencies  
558 administering state and federal funds and service rendered by  
559 employees of the public schools. Effective July 1, 1973, all  
560 nonprofessional public school employees, such as bus drivers,  
561 janitors, maids, maintenance workers and cafeteria employees,  
562 shall have the option to become members in accordance with Section  
563 25-11-105(b), and shall be eligible to receive credit for services  
564 before July 1, 1973, provided that the contributions and interest  
565 are paid by the employee in accordance with that section; in  
566 addition, the county or municipal separate school district may pay  
567 the employer contribution and pro rata share of interest of the  
568 retroactive service from available funds. From and after July 1,  
569 1998, retroactive service credit shall be purchased at the  
570 actuarial cost in accordance with Section 25-11-105(b).

571 (aa) "Withdrawal from service" or "termination from  
572 service" \* \* \* meansg complete severance of employment in the state  
573 service of any member by resignation, dismissal or discharge.

574 (bb) The masculine pronoun, wherever used, \* \* \*  
575 includesg the feminine pronoun.

576 **SECTION 5.** Section 25-11-105, Mississippi Code of 1972, is  
577 amended as follows:

578 25-11-105. **I. THOSE WHO ARE ELIGIBLE FOR MEMBERSHIP**

579 The membership of this retirement system shall be composed as  
580 follows:

581 (a) (i) All persons who \* \* \* become employees in the  
582 state service after January 31, 1953, and whose wages are subject

583 to payroll taxes and are lawfully reported on IRS Form W-2, except  
584 those specifically excluded, or as to whom election is provided in  
585 Articles 1 and 3, shall become members of the retirement system as  
586 a condition of their employment.

587 (ii) From and after July 1, 2002, any individual  
588 who is employed by a governmental entity to perform professional  
589 services shall become a member of the system if the individual is  
590 paid regular periodic compensation for those services that is  
591 subject to payroll taxes, is provided all other employee benefits  
592 and meets the membership criteria established by the regulations  
593 adopted by the board of trustees that apply to all other members  
594 of the system; however, any active member employed in such a  
595 position on July 1, 2002, will continue to be an active member for  
596 as long as they are employed in any such position.

597 (b) All persons who \* \* \* become employees in the state  
598 service after January 31, 1953, except those specifically excluded  
599 or as to whom election is provided in Articles 1 and 3, unless  
600 they \* \* \* file with the board before the lapse of sixty (60) days  
601 of employment or sixty (60) days after the effective date of the  
602 cited articles, whichever is later, on a form prescribed by the  
603 board, a notice of election not to be covered by the membership of  
604 the retirement system and a duly executed waiver of all present  
605 and prospective benefits that would otherwise inure to them on  
606 account of their participation in the system, shall become members  
607 of the retirement system; however, no credit for prior service  
608 will be granted to members until they have contributed to Article  
609 3 of the retirement system for a minimum period of at least four  
610 (4) years. Those members shall receive credit for services  
611 performed before January 1, 1953, in employment now covered by  
612 Article 3, but no credit shall be granted for retroactive services  
613 between January 1, 1953, and the date of their entry into the  
614 retirement system, unless the employee pays into the retirement

615 system both the employer's and the employee's contributions on  
616 wages paid him during the period from January 31, 1953, to the  
617 date of his becoming a contributing member, together with interest  
618 at the rate determined by the board of trustees. Members  
619 reentering after withdrawal from service shall qualify for prior  
620 service under the provisions of Section 25-11-117. From and after  
621 July 1, 1998, upon eligibility as noted above, the member may  
622 receive credit for such retroactive service provided:

623 (1) The member shall furnish proof satisfactory to  
624 the board of trustees of certification of that service from the  
625 covered employer where the services were performed; and

626 (2) The member shall pay to the retirement system  
627 on the date he or she is eligible for that credit or at any time  
628 thereafter before the date of retirement the actuarial cost for  
629 each year of that creditable service. The provisions of this  
630 subparagraph (2) shall be subject to the limitations of Section  
631 415 of the Internal Revenue Code and regulations promulgated under  
632 Section 415.

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

637 (c) All persons who \* \* \* become employees in the state  
638 service after January 31, 1953, and who are eligible for  
639 membership in any other retirement system shall become members of  
640 this retirement system as a condition of their employment, unless  
641 they elect at the time of their employment to become a member of  
642 that other system.

643 (d) All persons who are employees in the state service  
644 on January 31, 1953, and who are members of any nonfunded  
645 retirement system operated by the State of Mississippi, or any of  
646 its departments or agencies, shall become members of this system

647 with prior service credit unless, before February 1, 1953,  
648 they \* \* \* file a written notice with the board of trustees that  
649 they do not elect to become members.

650 (e) All persons who are employees in the state service  
651 on January 31, 1953, and who under existing laws are members of  
652 any fund operated for the retirement of employees by the State of  
653 Mississippi, or any of its departments or agencies, shall not be  
654 entitled to membership in this retirement system unless, before  
655 February 1, 1953, any such person \* \* \* indicates by a notice  
656 filed with the board, on a form prescribed by the board, his  
657 individual election and choice to participate in this system, but  
658 no such person shall receive prior service credit unless he  
659 becomes a member on or before February 1, 1953.

660 (f) Each political subdivision of the state and each  
661 instrumentality of the state or a political subdivision, or both,  
662 is \* \* \* authorized to submit, for approval by the board of  
663 trustees, a plan for extending the benefits of this article to  
664 employees of any such political subdivision or instrumentality.  
665 Each such plan or any amendment to the plan for extending benefits  
666 thereof shall be approved by the board of trustees if it finds  
667 that the plan, or the plan as amended, is in conformity with such  
668 requirements as are provided in Articles 1 and 3; however, upon  
669 approval of the plan or any such plan previously approved by the  
670 board of trustees, the approved plan shall not be subject to  
671 cancellation or termination by the political subdivision or  
672 instrumentality, except that any community hospital serving a  
673 municipality that joined the Public Employees' Retirement System  
674 as of November 1, 1956, to offer social security coverage for its  
675 employees and subsequently extended retirement annuity coverage to  
676 its employees as of December 1, 1965, may, upon documentation of  
677 extreme financial hardship, have future retirement annuity

678 coverage cancelled or terminated at the discretion of the board of  
679 trustees. No such plan shall be approved unless:

680 (1) It provides that all services that constitute  
681 employment as defined in Section 25-11-5 and are performed in the  
682 employ of the political subdivision or instrumentality, by any  
683 employees thereof, shall be covered by the plan, with the  
684 exception of municipal employees who are already covered by  
685 existing retirement plans; however, those employees in this class  
686 may elect to come under the provisions of this article;

687 (2) It specifies the source or sources from which  
688 the funds necessary to make the payments required by paragraph (d)  
689 of Section 25-11-123 and of paragraph (f)(5)B and C of this  
690 section are expected to be derived and contains reasonable  
691 assurance that those sources will be adequate for that purpose;

692 (3) It provides for such methods of administration  
693 of the plan by the political subdivision or instrumentality as are  
694 found by the board of trustees to be necessary for the proper and  
695 efficient administration thereof;

696 (4) It provides that the political subdivision or  
697 instrumentality will make such reports, in such form and  
698 containing such information, as the board of trustees may from  
699 time to time require;

700 (5) It authorizes the board of trustees to  
701 terminate the plan in its entirety in the discretion of the board  
702 if it finds that there has been a failure to comply substantially  
703 with any provision contained in the plan, the termination to take  
704 effect at the expiration of such notice and on such conditions as  
705 may be provided by regulations of the board and as may be  
706 consistent with applicable federal law.

707 A. The board of trustees shall not finally  
708 refuse to approve a plan submitted under paragraph (f), and shall  
709 not terminate an approved plan without reasonable notice and

710 opportunity for hearing to each political subdivision or  
711 instrumentality affected by the board's decision. The board's  
712 decision in any such case shall be final, conclusive and binding  
713 unless an appeal is taken by the political subdivision or  
714 instrumentality aggrieved by the decision to the Circuit Court of  
715 Hinds County, Mississippi, in accordance with the provisions of  
716 law with respect to civil causes by certiorari.

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

724           C. Every political subdivision or  
725 instrumentality required to make payments under paragraph (f)(5)B  
726 of this section is authorized, in consideration of the employees'  
727 retention in or entry upon employment after enactment of Articles  
728 1 and 3, to impose upon its employees, as to services that are  
729 covered by an approved plan, a contribution with respect to wages  
730 (as defined in Section 25-11-5) not exceeding the amount provided  
731 in Section 25-11-123(d) if those services constituted employment  
732 within the meaning of Articles 1 and 3, and to deduct the amount  
733 of the contribution from the wages as and when paid.  
734 Contributions so collected shall be paid into the contribution  
735 fund as partial discharge of the liability of the political  
736 subdivisions or instrumentalities under paragraph (f)(5)B of this  
737 section. Failure to deduct the contribution shall not relieve the  
738 employee or employer of liability for the contribution.

739           D. Any state agency, school, political  
740 subdivision, instrumentality or any employer that is required to  
741 submit contribution payments or wage reports under any section of

742 this chapter shall be assessed interest on delinquent payments or  
743 wage reports as determined by the board of trustees in accordance  
744 with rules and regulations adopted by the board and delinquent  
745 payments, assessed interest and any other amount certified by the  
746 board as owed by an employer, may be recovered by action in a  
747 court of competent jurisdiction against the reporting agency  
748 liable therefor or may, upon due certification of delinquency and  
749 at the request of the board of trustees, be deducted from any  
750 other monies payable to the reporting agency by any department or  
751 agency of the state.

752                   E. Each political subdivision of the state  
753 and each instrumentality of the state or a political subdivision  
754 or subdivisions that submit a plan for approval of the board, as  
755 provided in this section, shall reimburse the board for coverage  
756 into the expense account, its pro rata share of the total expense  
757 of administering Articles 1 and 3 as provided by regulations of  
758 the board.

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

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

771                   (i) If any member of this system \* \* \* changes his  
772 employment to any agency of the state having an actuarially funded  
773 retirement system, the board of trustees may authorize the

774 transfer of the member's creditable service and of the present  
775 value of the member's employer's accumulation account and of the  
776 present value of the member's accumulated membership contributions  
777 to that other system, provided that the employee agrees to the  
778 transfer of his accumulated membership contributions and provided  
779 that the other system is authorized to receive and agrees to make  
780 the transfer.

781 If any member of any other actuarially funded system  
782 maintained by an agency of the state changes his employment to an  
783 agency covered by this system, the board of trustees may authorize  
784 the receipt of the transfer of the member's creditable service and  
785 of the present value of the member's employer's accumulation  
786 account and of the present value of the member's accumulated  
787 membership contributions from the other system, provided that the  
788 employee agrees to the transfer of his accumulated membership  
789 contributions to this system and provided that the other system is  
790 authorized and agrees to make the transfer.

791 (j) Wherever \* \* \* state employment is referred to in  
792 this section, it \* \* \* includes joint employment by state and  
793 federal agencies of all kinds.

794 (k) Employees of a political subdivision or  
795 instrumentality who were employed by the political subdivision or  
796 instrumentality before an agreement between the entity and the  
797 Public Employees' Retirement System to extend the benefits of this  
798 article to its employees, and which agreement provides for the  
799 establishment of retroactive service credit, and who have been  
800 members of the retirement system and have remained contributors to  
801 the retirement system for four (4) years, may receive credit for  
802 that retroactive service with the political subdivision or  
803 instrumentality, provided that the employee and/or employer, as  
804 provided under the terms of the modification of the joinder  
805 agreement in allowing that coverage, pay into the retirement



806 system the employer's and employee's contributions on wages paid  
807 the member during the previous employment, together with interest  
808 or actuarial cost as determined by the board covering the period  
809 from the date the service was rendered until the payment for the  
810 credit for the service was made. Those wages shall be verified by  
811 the Social Security Administration or employer payroll records.  
812 Effective July 1, 1998, upon eligibility as noted above, a member  
813 may receive credit for that retroactive service with the political  
814 subdivision or instrumentality provided:

815                   (1) The member shall furnish proof satisfactory to  
816 the board of trustees of certification of those services from the  
817 political subdivision or instrumentality where the services were  
818 rendered or verification by the Social Security Administration;  
819 and

820                   (2) The member shall pay to the retirement system  
821 on the date he or she is eligible for that credit or at any time  
822 thereafter before the date of retirement the actuarial cost for  
823 each year of that creditable service. The provisions of this  
824 subparagraph (2) shall be subject to the limitations of Section  
825 415 of the Internal Revenue Code and regulations promulgated under  
826 Section 415.

827           Nothing contained in this paragraph (k) shall be construed to  
828 limit the authority of the board to allow the correction of  
829 reporting errors or omissions based on the payment of employee and  
830 employer contributions plus applicable interest. Payment for that  
831 time shall be made in increments of not less than one-quarter  
832 (1/4) year of creditable service beginning with the most recent  
833 service. Upon the payment of all or part of the required  
834 contributions, plus interest or the actuarial cost as provided  
835 above, the member shall receive credit for the period of  
836 creditable service for which full payment has been made to the  
837 retirement system.

838           (1) Through June 30, 1998, any state service eligible  
839 for retroactive service credit, no part of which has ever been  
840 reported, and requiring the payment of employee and employer  
841 contributions plus interest, or, from and after July 1, 1998, any  
842 state service eligible for retroactive service credit, no part of  
843 which has ever been reported to the retirement system, and  
844 requiring the payment of the actuarial cost for that creditable  
845 service, may, at the member's option, be purchased in quarterly  
846 increments as provided above at the time that its purchase is  
847 otherwise allowed.

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

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

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

855           (a) Patient or inmate help in state charitable, penal  
856 or correctional institutions;

857           (b) Students of any state educational institution  
858 employed by any agency of the state for temporary, part-time or  
859 intermittent work;

860           (c) Participants of Comprehensive Employment and  
861 Training Act of 1973 (CETA) being Public Law 93-203, who enroll on  
862 or after July 1, 1979;

863           (d) From and after July 1, 2002, individuals who are  
864 employed by a governmental entity to perform professional service  
865 on less than a full-time basis who do not meet the criteria  
866 established in I(a)(ii) of this section.

867           **III. TERMINATION OF MEMBERSHIP**

868           Membership in this system shall cease by a member withdrawing  
869 his accumulated contributions, or by a member withdrawing from

870 active service with a retirement allowance, or by a member's  
871 death.

872 **SECTION 6.** Section 25-11-114, Mississippi Code of 1972, is  
873 amended as follows:

874 25-11-114. (1) The applicable benefits provided in  
875 subsections (2) and (3) of this section shall be paid to eligible  
876 beneficiaries of any member who has completed four (4) or more  
877 years of creditable service and who dies before retirement and who  
878 has not filed a Pre-Retirement Optional Retirement Form as  
879 provided in Section 25-11-111.

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

884 (i) Had retired on the date of his death with  
885 entitlement to an annuity provided for in Section 25-11-111,  
886 notwithstanding that he might not have attained age sixty (60) or  
887 acquired twenty-five (25) years of creditable service;

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

889 (b) If, at the time of the member's death, there are no  
890 dependent children, and the surviving spouse, who otherwise would  
891 receive the annuity under this subsection (2), has filed with the  
892 system a signed written waiver of his or her rights to the annuity  
893 and that waiver was in effect at the time of the member's death, a  
894 lump sum distribution of the deceased member's accumulated  
895 contributions shall be refunded in accordance with Section  
896 25-11-117.

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

901           (d) The spouse annuity shall be payable for life and  
902 shall be the greater of twenty percent (20%) of the deceased  
903 member's average compensation as defined in Section 25-11-103 at  
904 the time of death or Fifty Dollars (\$50.00) monthly. Surviving  
905 spouses of deceased members who previously received spouse  
906 retirement benefits under this paragraph (d) from and after July  
907 1, 1992, and whose benefits were terminated before July 1, 2004,  
908 because of remarriage, may again receive the retirement benefits  
909 authorized under this paragraph (d) by making application with the  
910 board to reinstate those benefits. Any reinstatement of the  
911 benefits shall be prospective only and shall begin after the first  
912 of the month following the date of the application for  
913 reinstatement, but no earlier than July 1, 2004.

914           (e) However, the spouse may elect by an irrevocable  
915 agreement on a form prescribed by the board of trustees to receive  
916 a monthly allowance as computed under either paragraph (d) or this  
917 paragraph. The irrevocable agreement shall constitute a waiver by  
918 the spouse to any current and future monthly allowance under the  
919 paragraph not elected, and the waiver shall be a complete and full  
920 discharge of all obligations of the retirement system under that  
921 paragraph.

922           Any member who has completed four (4) or more years of  
923 creditable service and who dies before retirement and leaves a  
924 spouse who has been married to the member for not less than one  
925 (1) year immediately preceding his death and has not exercised any  
926 other option shall be deemed to have exercised Option 2 under  
927 Section 25-11-115 for the benefit of his spouse, which spouse  
928 shall be paid Option 2 settlement benefits under this article  
929 beginning on the first of the month following the date of death,  
930 but in case of late filing, retroactive payments will be made for  
931 a period of not more than one (1) year. The method of calculating  
932 the retirement benefits shall be on the same basis as provided in

933 Section 25-11-111(d). However, if the member dies before being  
934 qualified for full unreduced benefits, then the benefits shall be  
935 reduced by three percent (3%) per year for the lesser of either  
936 the years of service or age required for full unreduced benefits  
937 in Section 25-11-111(d).

938 (3) (a) Subject to the maximum limitation provided in this  
939 paragraph, the member's dependent children each shall receive an  
940 annuity of the greater of ten percent (10%) of the member's  
941 average compensation as defined in Section 25-11-103 at the time  
942 of the death of the member or Fifty Dollars (\$50.00) monthly;  
943 however, if there are more than three (3) dependent children, each  
944 dependent child shall receive an equal share of a total annuity  
945 equal to thirty percent (30%) of the member's average  
946 compensation, provided that the total annuity shall not be less  
947 than One Hundred Fifty Dollars (\$150.00) per month for all  
948 children.

949 (b) A child shall be considered to be a dependent child  
950 until marriage, or the attainment of age nineteen (19), whichever  
951 comes first; however, this age limitation shall be extended beyond  
952 age nineteen (19), but in no event beyond the attainment of age  
953 twenty-three (23), as long as the child is a student regularly  
954 pursuing a full-time course of resident study or training in an  
955 accredited high school, trade school, technical or vocational  
956 institute, junior or community college, college, university or  
957 comparable recognized educational institution duly licensed by a  
958 state. A student child whose birthday falls during the school  
959 year (September 1 through June 30) is considered not to reach age  
960 twenty-three (23) until the July 1 following the actual  
961 twenty-third birthday. A full-time course of resident study or  
962 training means a day or evening noncorrespondence course that  
963 includes school attendance at the rate of at least thirty-six (36)  
964 weeks per academic year or other applicable period with a subject

965 load sufficient, if successfully completed, to attain the  
966 educational or training objective within the period generally  
967 accepted as minimum for completion, by a full-time day student, of  
968 the academic or training program concerned. Any child who is  
969 physically or mentally incompetent, as adjudged by either a  
970 Mississippi court of competent jurisdiction or by the board, shall  
971 receive benefits for as long as the incompetency exists.

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

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

983 (4) (a) Death benefits in the line of duty. Regardless of  
984 the number of years of the member's creditable service, the spouse  
985 and/or the dependent children of an active member who is killed in  
986 the line of performance of duty or dies as a direct result of an  
987 accident occurring in the line of performance of duty shall  
988 qualify, on approval of the board, for a retirement allowance on  
989 the first of the month following the date of death, but in the  
990 case of late filing, retroactive payments will be made for a  
991 period of not more than one (1) year. The spouse shall receive a  
992 retirement allowance for life equal to one-half (1/2) of the  
993 average compensation as defined in Section 25-11-103. In addition  
994 to the retirement allowance for the spouse, or if there is no  
995 surviving spouse, the member's dependent child shall receive a  
996 retirement allowance in the amount of one-fourth (1/4) of the

997 member's average compensation as defined in Section 25-11-103;  
998 however, if there are two (2) or more dependent children, each  
999 dependent child shall receive an equal share of a total annuity  
1000 equal to one-half (1/2) of the member's average compensation. If  
1001 there are more than two (2) dependent children, upon a child's  
1002 ceasing to be a dependent child, his annuity shall terminate and  
1003 there shall be a redetermination of the amounts payable to any  
1004 remaining dependent children. Those benefits shall cease to be  
1005 paid for the support and maintenance of each child upon the child  
1006 attaining the age of nineteen (19) years; however, the spouse  
1007 shall continue to be eligible for the aforesaid retirement  
1008 allowance. Those benefits may be paid to a surviving parent or  
1009 lawful custodian of the children for the use and benefit of the  
1010 children without the necessity of appointment as guardian. Any  
1011 spouse who received spouse retirement benefits under this  
1012 paragraph (a) from and after April 4, 1984, and whose benefits  
1013 were terminated before July 1, 2004, because of remarriage, may  
1014 again receive the retirement benefits authorized under this  
1015 paragraph (a) by making application with the board to reinstate  
1016 those benefits. Any reinstatement of the benefits shall be  
1017 prospective only and shall begin after the first of the month  
1018 following the date of the application for reinstatement, but not  
1019 earlier than July 1, 2004.

1020 (b) A child shall be considered to be a dependent child  
1021 until marriage, or the attainment of age nineteen (19), whichever  
1022 comes first; however, this age limitation shall be extended beyond  
1023 age nineteen (19), but in no event beyond the attainment of age  
1024 twenty-three (23), as long as the child is a student regularly  
1025 pursuing a full-time course of resident study or training in an  
1026 accredited high school, trade school, technical or vocational  
1027 institute, junior or community college, college, university or  
1028 comparable recognized educational institution duly licensed by a

1029 state. A student child whose birthday falls during the school  
1030 year (September 1 through June 30) is considered not to reach age  
1031 twenty-three (23) until the July 1 following the actual  
1032 twenty-third birthday. A full-time course of resident study or  
1033 training means a day or evening noncorrespondence course that  
1034 includes school attendance at the rate of at least thirty-six (36)  
1035 weeks per academic year or other applicable period with a subject  
1036 load sufficient, if successfully completed, to attain the  
1037 educational or training objective within the period generally  
1038 accepted as minimum for completion, by a full-time day student, of  
1039 the academic or training program concerned. Any child who is  
1040 physically or mentally incompetent, as adjudged by either a  
1041 Mississippi court of competent jurisdiction or by the board, shall  
1042 receive benefits for as long as the incompetency exists.

1043 (5) If all the annuities provided for in this section  
1044 payable on account of the death of a member terminate before there  
1045 has been paid an aggregate amount equal to the member's  
1046 accumulated contributions standing to the member's credit in the  
1047 annuity savings account at the time of the member's death, the  
1048 difference between the accumulated contributions and the aggregate  
1049 amount of annuity payments shall be paid to the person that the  
1050 member has nominated by written designation duly executed and  
1051 filed with the board. If there is no designated beneficiary  
1052 surviving at termination of benefits, the difference shall be  
1053 payable pursuant to Section 25-11-117.1(1).

1054 (6) Regardless of the number of years of creditable service  
1055 upon the application of a member or employer, any active member  
1056 who becomes disabled as a direct result of an accident or  
1057 traumatic event resulting in a physical injury occurring in the  
1058 line of performance of duty, provided that the medical board or  
1059 other designated governmental agency after a medical examination  
1060 certifies that the member is mentally or physically incapacitated



1061 for the further performance of duty and the incapacity is likely  
1062 to be permanent, may be retired by the board of trustees on the  
1063 first of the month following the date of filing the application  
1064 but in no event shall the retirement allowance begin before the  
1065 termination of state service. The retirement allowance shall  
1066 equal the allowance on disability retirement as provided in  
1067 Section 25-11-113 but shall not be less than fifty percent (50%)  
1068 of average compensation.

1069 Permanent and total disability resulting from a  
1070 cardiovascular, pulmonary or musculo-skeletal condition that was  
1071 not a direct result of a traumatic event occurring in the  
1072 performance of duty shall be deemed an ordinary disability. A  
1073 mental disability based exclusively on employment duties occurring  
1074 on an ongoing basis shall be deemed an ordinary disability.

1075 (7) If the deceased or disabled member has less than four  
1076 (4) years of creditable service, the average compensation as  
1077 defined in Section 25-11-103 shall be the average of all annual  
1078 earned compensation in state service for the purposes of benefits  
1079 provided in this section.

1080 (8) In case of death or total and permanent disability under  
1081 subsection (4) or subsection (6) of this section and before the  
1082 board shall consider any application for a retirement allowance,  
1083 the employer must certify to the board that the member's death or  
1084 disability was a direct result of an accident or a traumatic event  
1085 occurring during and as a result of the performance of the regular  
1086 and assigned duties of the employee and that the death or  
1087 disability was not the result of the willful negligence of the  
1088 employee.

1089 (9) The application for the retirement allowance must be  
1090 filed within one (1) year after death of an active member who is  
1091 killed in the line of performance of duty or dies as a direct  
1092 result of an accident occurring in the line of performance of duty

1093 or traumatic event; but the board of trustees may consider an  
1094 application for disability filed after the one-year period if it  
1095 can be factually demonstrated to the satisfaction of the board of  
1096 trustees that the disability is due to the accident and that the  
1097 filing was not accomplished within the one-year period due to a  
1098 delayed manifestation of the disability or to circumstances beyond  
1099 the control of the member. However, in case of late filing,  
1100 retroactive payments will be made for a period of not more than  
1101 one (1) year only.

1102 (10) Notwithstanding any other section of this article and  
1103 in lieu of any payments to a designated beneficiary for a refund  
1104 of contributions under Section 25-11-117, the spouse and/or  
1105 children shall be eligible for the benefits payable under this  
1106 section, and the spouse may elect, for both the spouse and/or  
1107 children, to receive benefits in accordance with either  
1108 subsections (2) and (3) or subsection (4) of this section;  
1109 otherwise, the contributions to the credit of the deceased member  
1110 shall be refunded in accordance with Section 25-11-117.

1111 (11) If the member has previously received benefits from the  
1112 system to which he was not entitled and has not repaid in full all  
1113 amounts payable by him to the system, the annuity amounts  
1114 otherwise provided by this section shall be withheld and used to  
1115 effect repayment until the total of the withholdings repays in  
1116 full all amounts payable by him to the system.

1117 **SECTION 7.** Section 25-11-137, Mississippi Code of 1972, is  
1118 amended as follows:

1119 25-11-137. (1) (a) Any law enforcement officer or fireman  
1120 who has been covered under this article or under Section 21-29-101  
1121 et seq., Section 21-29-201 et seq., or Section 25-13-1 et seq.,  
1122 and who changes his employment from one jurisdiction to another  
1123 jurisdiction, or has previously made that change, may elect to  
1124 transfer retirement service credit earned while covered under the

1125 retirement system of the former jurisdiction to that of the latter  
1126 as provided in this section.

1127 (b) Any \* \* \* law enforcement officer or fireman  
1128 transferring as described in paragraph (a) of this subsection and  
1129 having paid retirement funds under this article or under Section  
1130 21-29-101 et seq., Section 21-29-201 et seq., or Section 25-13-1  
1131 et seq., must pay into the retirement system to which he is  
1132 transferring the full amount of employee contributions that he  
1133 would have paid into that system if he had been a member of that  
1134 system for each year of creditable service that is being  
1135 transferred, together with regular interest that would have been  
1136 earned by that system on those contributions, and he must also  
1137 pay, or the system from which he is transferring must pay, into  
1138 the system to which he is being transferred, an amount equal to  
1139 that which the employer would have paid if he had been a member of  
1140 that system for each year transferred, together with regular  
1141 interest that would have been earned by that system on those  
1142 contributions. The retirement system from which he is being  
1143 transferred shall be required to pay into the system to which he  
1144 is transferring any funds credited to his account. Any additional  
1145 funds that may be required shall be paid by the person being  
1146 transferred. Those payments may be made in quarterly increments.  
1147 Failure to make these proper adjustment payments will void any  
1148 transfer of service credits.

1149 (2) The benefits that are being currently paid by the system  
1150 in which the law enforcement officer or fireman has last been a  
1151 member, and the requirements for retirement or disability  
1152 benefits, shall be those applicable to the officer falling under  
1153 the provisions of this section. Any law enforcement officer or  
1154 fireman who elects to transfer retirement service credit may  
1155 immediately transfer the funds and service as provided for in  
1156 subsection (1) of this section; however, the amounts that are

1157 transferred by the law enforcement officer or fireman and his  
1158 employer, if applicable, and the service credit related to the  
1159 transfer of funds, shall not be used in any benefit calculation or  
1160 determination of eligibility for benefits until the person has  
1161 remained a contributing member of the retirement system to which  
1162 he is transferring for the minimum period necessary to qualify for  
1163 a monthly retirement allowance or benefit. Upon the complete  
1164 transfer and payment of that credit, all time spent in the covered  
1165 law enforcement or fire department service, as noted above, within  
1166 and for the State of Mississippi or the political subdivisions  
1167 thereof, shall apply to the time required by law necessary to  
1168 effect the retirement or disability of the officer.

1169 **SECTION 8.** Section 25-13-12, Mississippi Code of 1972, is  
1170 amended as follows:

1171 25-13-12. (1) Any member who is receiving a retirement  
1172 allowance for service or disability retirement, or any beneficiary  
1173 thereof, who has received a monthly benefit for at least one (1)  
1174 full fiscal year, shall be eligible to receive an additional  
1175 benefit, on December 1 or July 1 of the year as provided in  
1176 subsection (6) or (7) of this section, equal to the sum of:

1177 (a) An amount equal to three percent (3%) of the annual  
1178 retirement allowance multiplied by the number of full fiscal years  
1179 in retirement before the end of the fiscal year in which the  
1180 member reaches age sixty (60) or the age established in the latest  
1181 phase that has been implemented under subsection (3) of this  
1182 section, plus

1183 (b) An additional amount equal to three percent (3%)  
1184 compounded by the number of full fiscal years in retirement  
1185 beginning with the fiscal year in which the member reaches age  
1186 sixty (60) or the age established in the latest phase that has  
1187 been implemented under subsection (3) of this section, multiplied  
1188 by the amount of the annual retirement allowance.

1189 (2) The calculation of the beneficiary's additional benefit  
1190 provided in this section shall be based on the member's age and  
1191 full fiscal years in retirement as if the member had lived.

1192 (3) From and after July 1, 2003, the board shall begin  
1193 implementing a reduction in the age at which compounding of the  
1194 portion of the additional benefit provided in subsection (1)(b) of  
1195 this section will begin, which changes shall be implemented in  
1196 phases as set forth in the table in this subsection. The board  
1197 shall implement the phases systematically upon July 1 after the  
1198 board's actuary certifies that implementation of a phase will not  
1199 cause the unfunded accrued actuarial liability amortization period  
1200 for the retirement system to exceed twenty (20) years. The board  
1201 shall have the exclusive authority to set the assumptions that are  
1202 used in the actuarial valuation in accordance with Section  
1203 25-13-29.

1204 IMPLEMENTATION TABLE FOR AGE OF  
1205 COMPOUNDING THE ADDITIONAL BENEFIT

1206 PHASE	1207 AGE AT WHICH 1208 COMPOUNDING 1209 THE ADDITIONAL 1210 BENEFIT BEGINS
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1211 Phase 1	Age 59
1212 Phase 2	Age 58
1213 Phase 3	Age 57
1214 Phase 4	Age 56
1215 Phase 5	Age 55

1216 (4) If a retiree who is receiving a retirement allowance  
1217 that will terminate upon the retiree's death is receiving the  
1218 additional benefit in one (1) payment and dies on or after July 1  
1219 but before December 1, the beneficiary designated on the  
1220 retirement application, if any, shall receive in a single payment

1221 a fractional part of the additional benefit based on the number of  
1222 months in which a retirement allowance was received during the  
1223 fiscal year. If there is no surviving beneficiary, payment shall  
1224 be made in accordance with Section 25-13-21.1(1). Likewise, if a  
1225 retiree is receiving a retirement allowance that will terminate  
1226 upon the retiree's death in two (2) to six (6) monthly  
1227 installments, any remaining payments of the additional benefit  
1228 will be paid in a lump sum to the beneficiary designated on the  
1229 application, or if none, in accordance with Section 25-13-21.1(1).  
1230 Any similar remaining payments of the additional benefit payable  
1231 under this section to a deceased beneficiary who was receiving a  
1232 monthly benefit shall be payable in accordance with the provisions  
1233 of Section 25-13-21.1(2). If the additional benefit is being  
1234 received in one (1) payment each year, the additional benefit  
1235 shall be prorated based on the number of months in which a  
1236 retirement allowance was received during the fiscal year when (i)  
1237 the monthly benefit payable to a beneficiary terminates due to the  
1238 expiration of an option, remarriage or cessation of dependent  
1239 status or due to the retiree's return to covered employment, and  
1240 (ii) the monthly benefit terminates on or after July 1 and before  
1241 December 1.

1242 (5) Each retired member or beneficiary thereof who receives  
1243 an annual retirement allowance based on the average compensation  
1244 for a period of five (5) successive or joined years and who  
1245 receives a retirement allowance for the month of June 1986, shall  
1246 receive an ad hoc increase of three percent (3%) in such  
1247 retirement allowance effective July 1, 1986.

1248 (6) The additional benefit provided in this section shall be  
1249 paid in one (1) payment in December of each year to those persons  
1250 who are receiving a retirement allowance on December 1 of that  
1251 year, unless an election is made under subsection (7) of this  
1252 section. The board, in its discretion, may allow a retired member

1253 or a beneficiary thereof who is receiving the additional benefit  
1254 in one (1) payment each year to have the additional benefit paid  
1255 in monthly installments if the retired member or beneficiary  
1256 submits satisfactory documentation that the continued receipt of  
1257 the additional benefit in one (1) payment each year will cause a  
1258 financial hardship to the retired member or beneficiary.

1259 (7) Retired members or beneficiaries thereof who are  
1260 receiving a retirement allowance may elect by an irrevocable  
1261 agreement in writing filed in the Office of the Public Employees'  
1262 Retirement System no less than thirty (30) days before July 1 of  
1263 any year, to begin receiving the additional benefit provided in  
1264 this section in twelve (12) equal monthly installments beginning  
1265 on July 1 of the year. This irrevocable agreement shall be  
1266 binding on the member and subsequent beneficiaries. Payment of  
1267 those monthly installments shall not extend beyond the month in  
1268 which a retirement allowance is due and payable. Any retired  
1269 member or beneficiary thereof who previously elected to receive  
1270 the additional annual payment in monthly installments may elect,  
1271 upon application on a form prescribed by the board, to have that  
1272 payment made in one (1) payment in December of each year. This  
1273 written election must be filed in the office of the Public  
1274 Employees' Retirement System before June 1, 2003, and shall be  
1275 effective for the fiscal year beginning July 1, 2003. The board,  
1276 in its discretion, may allow a retired member or a beneficiary  
1277 thereof who is receiving the additional benefit in monthly  
1278 installments to have the additional benefit paid in one (1)  
1279 payment in December of each year if the retired member or  
1280 beneficiary submits satisfactory documentation that the continued  
1281 receipt of the additional benefit in monthly installments will  
1282 cause financial hardship to the retired member or beneficiary.

1283 (8) The additional benefit or benefits provided in this  
1284 section are for the fiscal year in which they are paid.

1285           (9) The amount of the additional benefit provided in  
1286 subsection (1)(b) of this section is calculated using the  
1287 following formula:  
1288                    $[(1.03)^n - 1] \times [\text{annual retirement allowance}]$ ,  
1289 where <sup>n</sup> is the number of full fiscal years in retirement beginning  
1290 with the fiscal year in which the member reaches age sixty (60) or  
1291 the age established in the latest phase that has been implemented  
1292 under subsection (3) of this section.

1293           (10) In the event of death of a retired member or a  
1294 beneficiary thereof who is receiving the additional annual payment  
1295 in two (2) to six (6) monthly installments under an election made  
1296 before July 1, 2002, and who would otherwise be eligible to  
1297 receive the additional benefit provided in this section in one (1)  
1298 payment in December of the current fiscal year, any remaining  
1299 amounts shall be paid in a lump sum to the designated beneficiary.

1300           (11) When a member retires after July 1 and has previously  
1301 received a retirement allowance for one or more full fiscal years,  
1302 the retired member shall be eligible immediately for the  
1303 additional benefit. The additional benefit shall be based on the  
1304 current retirement allowance and the number of full fiscal years  
1305 in retirement and shall be prorated and paid in monthly  
1306 installments based on the number of months a retirement allowance  
1307 is paid during the fiscal year.

1308           **SECTION 9.** Section 25-13-13, Mississippi Code of 1972, is  
1309 amended as follows:

1310           25-13-13. (1) Upon the death of any highway patrolman who  
1311 has retired for service or disability and who has not elected any  
1312 other option under Section 25-13-16, his or her spouse shall  
1313 receive one-half (1/2) the benefit that he or she was receiving  
1314 and each child not having attained his nineteenth birthday shall  
1315 receive one-fourth (1/4) of the benefit, but not more than  
1316 one-half (1/2) of the benefits shall be paid for the support and



1317 maintenance of two (2) or more children. Upon each child's  
1318 attaining the age of nineteen (19) years, the child shall no  
1319 longer be eligible for the benefit, and when all of the children  
1320 have attained their nineteenth birthday, only the spouse shall be  
1321 eligible for one-half (1/2) the amount of the benefit. The spouse  
1322 shall continue to be eligible for the benefit in the amount of  
1323 fifty percent (50%) of his or her retirement benefit so long as  
1324 the spouse may live \* \* \*. Surviving spouses of deceased members  
1325 who previously received spouse retirement benefits under this  
1326 subsection from and after July 1, 1958, and whose benefits were  
1327 terminated before July 1, 2004, because of remarriage, may again  
1328 receive the retirement benefits authorized under this subsection  
1329 by making application with the board to reinstate the benefits.  
1330 Any reinstatement of the benefits shall be prospective only and  
1331 shall begin after the first of the month following the date of the  
1332 application for reinstatement, but no earlier than July 1, 2004.

1333 (2) Upon the death of any highway patrolman who has served  
1334 the minimum retirement period required for eligibility for this  
1335 retirement program, his or her spouse and family shall receive all  
1336 the benefits payable to the highway patrolman's beneficiaries as  
1337 if he or she had retired at the time of his or her death. Those  
1338 benefits continue to be paid to the spouse for life. The benefits  
1339 are payable on a monthly basis. Surviving spouses of deceased  
1340 members who previously received spouse retirement benefits under  
1341 this subsection from and after July 1, 1958, and whose benefits  
1342 were terminated before July 1, 2004, because of remarriage, may  
1343 again receive the retirement benefits authorized under this  
1344 subsection by making application with the board to reinstate the  
1345 benefits. Any reinstatement of the benefits shall be prospective  
1346 only and shall begin after the first of the month following the  
1347 date of the application for reinstatement, but no earlier than  
1348 July 1, 2004.

1349           (3) The spouse and/or the dependent children of an active  
1350 member who is killed in the line of performance of duty or dies as  
1351 a direct result of an accident occurring in the line of  
1352 performance of duty shall qualify, on approval of the board, for a  
1353 retirement allowance on the first of the month following the date  
1354 of death, but not before receipt of application by the board. The  
1355 spouse shall receive a retirement allowance equal to one-half  
1356 (1/2) of the average compensation of the deceased highway  
1357 patrolman. In addition to the retirement allowance for the  
1358 spouse, or if there is no surviving spouse, a retirement allowance  
1359 shall be paid in the amount of one-fourth (1/4) of the average  
1360 compensation for the support and maintenance of one (1) child or  
1361 in the amount of one-half (1/2) of the average compensation for  
1362 the support and maintenance of two (2) or more children. Those  
1363 benefits shall cease to be paid for the support and maintenance of  
1364 each child upon the child attaining the age of nineteen (19)  
1365 years; however, the spouse shall continue to be eligible for the  
1366 aforesaid retirement allowance. Benefits may be paid to a  
1367 surviving parent or lawful custodian of the children for the use  
1368 and benefit of the children without the necessity of appointment  
1369 as guardian. The retirement allowance shall continue to be paid  
1370 to the spouse for life. Surviving spouses of deceased members who  
1371 previously received spouse retirement benefits under this  
1372 subsection from and after July 1, 1958, and whose benefits were  
1373 terminated before July 1, 2004, because of remarriage, may again  
1374 receive the retirement benefits authorized under this subsection  
1375 by making application with the board to reinstate the benefits.  
1376 Any reinstatement of the benefits shall be prospective only and  
1377 shall begin after the first of the month following the date of the  
1378 application for reinstatement, but no earlier than July 1, 2004.

1379           (4) All benefits accruing to any child under the provisions  
1380 of this chapter shall be paid to the parent custodian of the  
1381 children or the legal guardian.

1382           (5) Children receiving the benefits provided in this section  
1383 who are permanently or totally disabled shall continue to receive  
1384 the benefits for as long as the medical board or other designated  
1385 governmental agency certifies that the disability continues. The  
1386 age limitation for benefits payable to a child under any provision  
1387 of this section shall be extended beyond age nineteen (19), but in  
1388 no event beyond the attainment of age twenty-three (23), as long  
1389 as the child is a student regularly pursuing a full-time course of  
1390 resident study or training in an accredited high school, trade  
1391 school, technical or vocational institute, junior or community  
1392 college, college, university or comparable recognized educational  
1393 institution duly licensed by a state. A student child whose  
1394 birthday falls during the school year (September 1 through June  
1395 30) is considered not to reach age twenty-three (23) until the  
1396 July 1 following the actual twenty-third birthday. A full-time  
1397 course of resident study or training means a day or evening  
1398 noncorrespondence course that includes school attendance at the  
1399 rate of at least thirty-six (36) weeks per academic year or other  
1400 applicable period with a subject load sufficient, if successfully  
1401 completed, to attain the educational or training objective within  
1402 the period generally accepted as minimum for completion, by a  
1403 full-time day student, of the academic or training program  
1404 concerned.

1405           (6) If all the annuities provided for in this section  
1406 payable on the account of the death of a member terminate before  
1407 there has been paid an aggregate amount equal to the member's  
1408 accumulated contributions standing to the member's credit in the  
1409 annuity savings account at the time of the member's death, the  
1410 difference between the accumulated contributions and the aggregate

1411 amount of annuity payments shall be paid to the person as the  
1412 member has nominated by written designation duly executed and  
1413 filed with the board of trustees in the office of the Public  
1414 Employees' Retirement System. If there is no designated  
1415 beneficiary surviving at termination of benefits, the difference  
1416 shall be payable pursuant to Section 25-13-21.1(1).

1417 (7) All benefits paid to a spouse or child due to the death  
1418 of a member before or after retirement shall be paid in accordance  
1419 with the statutory provisions set forth as of the date of death.

1420 **SECTION 10.** Section 21-29-45, Mississippi Code of 1972, is  
1421 amended as follows:

1422 **[For any municipality that has not elected to authorize the**  
1423 **continuation of or reinstatement of spouse retirement benefits**  
1424 **under the provisions of Section 21-29-329, this section shall read**  
1425 **as follows:]**

1426 21-29-45. Upon proper application to the general retirement  
1427 board, the benefits to dependents of deceased members and  
1428 retirants shall be paid as follows:

1429 (a) If any member dies for causes other than the  
1430 performance of duty in the service of the municipality before  
1431 completing five (5) years' service, there shall be paid to his or  
1432 her designated beneficiary or his or her legal representative, if  
1433 no beneficiary has been designated, from the employees' savings  
1434 fund the sum equal to the amount accumulated in his or her  
1435 individual account.

1436 (b) If any member dies who has not had less than five  
1437 (5) and not more than twenty (20) years' service with the  
1438 municipality, there shall be paid to the spouse, from the  
1439 retirement reserve fund, for each year's active service, not to  
1440 exceed a period of twenty (20) years, one-fortieth (1/40) of the  
1441 average monthly salary or compensation received by the member in  
1442 the four-year or two-year period, as the case may be, next

1443 preceding the death, for the use of the spouse and the child or  
1444 children of the deceased member under the age of eighteen (18)  
1445 years, so long as the spouse remains unmarried. If, after the  
1446 marriage of the spouse, there remains a child or children of the  
1447 deceased member under the age of eighteen (18) years, the payments  
1448 shall continue to be made to a parent or lawful custodian of the  
1449 child or children without the necessity of appointment as guardian  
1450 for the benefit of the child or children, so long as the child or  
1451 children are under the age of eighteen (18) years. After the  
1452 death or marriage of the spouse, all payments to the spouse shall  
1453 cease, and after the death or attainment of eighteen (18) years of  
1454 any child or children of the deceased, all payments to the child  
1455 or children over eighteen (18) years of age shall cease. If the  
1456 deceased member is not survived by a spouse or child or children  
1457 under the age of eighteen (18) years, but is survived by a  
1458 father \* \* \* or a mother dependent upon him or her, the payments  
1459 shall continue to be made to the dependent father or mother, or  
1460 both, so long as each lives. The word "dependent," as used in  
1461 this section, shall mean "wholly dependent," as determined by the  
1462 retirement board.

1463 (c) If any member dies after having completed twenty  
1464 (20) years' service as required by Section 21-29-31, or if any  
1465 retirant dies, there shall be paid from the retirement reserve  
1466 fund to the spouse or the dependents designated in paragraph (b)  
1467 of this section, the amount of benefits or retirement pay equal to  
1468 the sum being paid to the deceased member or retirant, or which  
1469 would have been paid to the deceased member or retirant if he or  
1470 she had applied for benefits under this section, on the date of  
1471 his or her death.

1472 (d) If any member dies before becoming eligible to  
1473 receive benefits under this article as a result of the performance  
1474 of duty to the municipality, there shall be paid to the spouse or

1475 dependents designated in paragraph (b) of this section from the  
1476 retirement reserve fund, an amount equal to fifty percent (50%) of  
1477 the monthly salary of the deceased member on the date of his or  
1478 her death. This amount shall be paid to the same beneficiaries  
1479 and for the same period of time as those beneficiaries and periods  
1480 of time set forth in paragraph (b) of this section.

1481 **[For any municipality that has elected to authorize the**  
1482 **continuation of or reinstatement of spouse retirement benefits**  
1483 **under the provisions of Section 21-29-329, this section shall read**  
1484 **as follows:]**

1485 21-29-45. Upon proper application to the general retirement  
1486 board, the benefits to dependents of deceased members and  
1487 retirants shall be paid as follows:

1488 (a) If any member dies for causes other than the  
1489 performance of duty in the service of the municipality before  
1490 completing five (5) years' service, there shall be paid to his or  
1491 her designated beneficiary or his or her legal representative, if  
1492 no beneficiary has been designated, from the employees' savings  
1493 fund the sum equal to the amount accumulated in his or her  
1494 individual account.

1495 (b) If any member dies who has not had less than five  
1496 (5) and not more than twenty (20) years' service with the  
1497 municipality, there shall be paid to the spouse, from the  
1498 retirement reserve fund, for each year's active service, not to  
1499 exceed a period of twenty (20) years, one-fortieth (1/40) of the  
1500 average monthly salary or compensation received by the member in  
1501 the four-year or two-year period, as the case may be, next  
1502 preceding the death, for the use of the spouse and the child or  
1503 children of the deceased member under the age of eighteen (18)  
1504 years, so long as the spouse lives. If, after the death of the  
1505 spouse, there remains a child or children of the deceased member  
1506 under the age of eighteen (18) years, the payments shall continue

1507 to be made to a parent or lawful custodian of the child or  
1508 children without the necessity of appointment as guardian for the  
1509 benefit of the child or children, so long as the child or children  
1510 are under the age of eighteen (18) years. After the death \* \* \*  
1511 of the spouse, all payments to the spouse shall cease, and after  
1512 the death or attainment of eighteen (18) years of any child or  
1513 children of the deceased member, all payments to the child or  
1514 children over eighteen (18) years of age shall cease. If the  
1515 deceased member is not survived by a spouse, child or children  
1516 under the age of eighteen (18) years, but is survived by a  
1517 father \* \* \* or a mother dependent upon him or her, the payments  
1518 shall continue to be made to the dependent father or mother, or  
1519 both, so long as each lives. The word "dependent," as used in  
1520 this section, shall mean "wholly dependent," as determined by the  
1521 retirement board.

1522 (c) If any member dies after having completed twenty  
1523 (20) years' service as required by Section 21-29-31, or if any  
1524 retirant dies, there shall be paid from the retirement reserve  
1525 fund to the spouse or the dependents designated in paragraph (b)  
1526 of this section, the amount of benefits or retirement pay equal to  
1527 the sum being paid to the deceased member or retirant, or which  
1528 would have been paid to the deceased member or retirant if he or  
1529 she had applied for benefits under this section, on the date of  
1530 his or her death.

1531 (d) If any member dies before becoming eligible to  
1532 receive benefits under this article as a result of the performance  
1533 of duty to the municipality, there shall be paid to the spouse or  
1534 dependents designated in paragraph (b) of this section from the  
1535 retirement reserve fund, an amount equal to fifty percent (50%) of  
1536 the monthly salary of the deceased member on the date of his or  
1537 her death. This amount shall be paid to the same beneficiaries

1538 and for the same period of time as those beneficiaries and periods  
1539 of time set forth in paragraph (b) of this section.

1540 **SECTION 11.** Section 21-29-145, Mississippi Code of 1972, is  
1541 amended as follows:

1542 **[For any municipality that has not elected to authorize the**  
1543 **continuation of or reinstatement of spouse retirement benefits**  
1544 **under the provisions of Section 21-29-329, this section shall read**  
1545 **as follows:]**

1546 21-29-145. (1) If any member of the fire or police  
1547 department dies in active service, or dies in inactive service on  
1548 account of disability approved for disability relief under the  
1549 provisions of Section 21-29-133, as a result of injury received  
1550 while in the discharge of duty in the service of the fire  
1551 department or police department, or dies as a result of sickness  
1552 or disease, due to the discharge of duty while in service as a  
1553 member of the fire or police department, or if the member dies  
1554 while entitled to relief after retirement under Section 21-29-139,  
1555 the amount of disability relief or retirement being paid, or which  
1556 should have been properly paid, shall continue to be paid from the  
1557 fund to the spouse of the deceased member for the use of the  
1558 spouse \* \* \* and the child or children of the deceased member, so  
1559 long as the spouse remains unmarried. If, after the marriage of  
1560 the spouse, there remains a child or children of the deceased  
1561 member, the payments shall continue to be made to a parent or  
1562 lawful custodian of the child or children without the necessity of  
1563 appointment as guardian for the benefit of the child or children.  
1564 After the death or marriage of the spouse, all payments to the  
1565 spouse shall cease, and after the death of any child or children  
1566 of the deceased member, all payments to the child or children  
1567 shall cease. If the deceased member is not survived by spouse or  
1568 child or children, but is survived by a father, \* \* \*  
1569 mother \* \* \*, or an unmarried sister dependent upon him or her,



1570 the payments shall continue to be made to the dependent father or  
1571 mother or both, so long as each lives, or if there is no dependent  
1572 father or mother surviving the deceased member, the payments shall  
1573 continue to be made to the unmarried dependent sister or dependent  
1574 sisters of the deceased, so long as the beneficiary or  
1575 beneficiaries \* \* \* remain unmarried. Upon the death or marriage  
1576 of any such sister, all payments shall cease to her. Payments to  
1577 dependents under this section are for services rendered by the  
1578 members of the fire and/or police department, and the amount of  
1579 payment is within the discretion of the board of disability and  
1580 relief, but in no event shall the amount payable under this  
1581 section be in excess of the amount that would have been payable as  
1582 disability and relief to a member of the department. If the  
1583 father, \* \* \* mother \* \* \*, or \* \* \* sisters are not wholly  
1584 dependent, then they shall not receive any amount in excess of the  
1585 difference between the income of the father, mother, sister or  
1586 sisters, and the amount that the deceased member would have been  
1587 entitled to.

1588 (2) For purposes of this section:

1589 (a) \* \* \* "Dependent" means wholly dependent upon the  
1590 deceased at the time of his death.

1591 (b) \* \* \* "Child" or "children" means:

1592 (i) Children of the deceased member under the age  
1593 of eighteen (18);

1594 (ii) Children of the deceased member eighteen (18)  
1595 years of age or older who have not yet reached their twenty-third  
1596 birthday and are pursuing a full-time education; or

1597 (iii) Children of the deceased member who, though  
1598 eighteen (18) years of age or older, are wholly dependent upon the  
1599 deceased member and incapable of self-support by reason of mental  
1600 or physical disability.

1601           [For any municipality that has elected to authorize the  
1602 continuation of or reinstatement of spouse retirement benefits  
1603 under the provisions of Section 21-29-329, this section shall read  
1604 as follows:]

1605           21-29-145. (1) If any member of the fire or police  
1606 department dies in active service, or dies in inactive service on  
1607 account of disability approved for disability relief under the  
1608 provisions of Section 21-29-133, as a result of injury received  
1609 while in the discharge of duty in the service of the fire  
1610 department or police department, or dies as a result of sickness  
1611 or disease, due to the discharge of duty while in service as a  
1612 member of the fire or police department, or if the member dies  
1613 while entitled to relief after retirement under Section 21-29-139,  
1614 the amount of disability relief or retirement being paid, or which  
1615 should have been properly paid, shall continue to be paid from the  
1616 fund to the spouse of the deceased member for life for the use of  
1617 the spouse \* \* \* and the child or children of the deceased member.  
1618 If the deceased member is not survived by a spouse, but there  
1619 remains a child or children of the deceased member, the payments  
1620 shall continue to be made to a parent or lawful custodian of the  
1621 child or children without the necessity of appointment as guardian  
1622 for the benefit of the child or children. After the death \* \* \*  
1623 of the spouse, all payments to the spouse shall cease, and after  
1624 the death of any child or children of the deceased member, all  
1625 payments to the child or children shall cease. If the deceased  
1626 member is not survived by spouse or child or children, but is  
1627 survived by a father, \* \* \* mother \* \* \* or an unmarried sister  
1628 dependent upon him or her, the payments shall continue to be made  
1629 to the dependent father or mother or both, so long as each lives.  
1630 If there is no dependent father or mother surviving the deceased  
1631 member, the payments shall continue to be made to the unmarried  
1632 dependent sister or \* \* \* sisters of the deceased member, so long

1633 as the beneficiary or beneficiaries \* \* \* remain unmarried. Upon  
1634 the death or marriage of any such sister, all payments shall cease  
1635 to her. Payments to dependents under this section are for  
1636 services rendered by the members of the fire and/or police  
1637 department, and the amount of payment is within the discretion of  
1638 the board of disability and relief, but in no event shall the  
1639 amount payable under this section be in excess of the amount that  
1640 would have been payable as disability and relief to a member of  
1641 the department. If the father, \* \* \* mother \* \* \* or \* \* \*  
1642 sisters are not wholly dependent, then they shall not receive any  
1643 amount in excess of the difference between the income of the  
1644 father, mother, sister or sisters, and the amount that the  
1645 deceased member would have been entitled to.

1646 (2) For the purposes of this section:

1647 (a) \* \* \* "Dependent" means wholly dependent upon the  
1648 deceased member at the time of his or her death.

1649 (b) \* \* \* "Child" or "children" means:

1650 (i) Children of the deceased member under the age  
1651 of eighteen (18);

1652 (ii) Children of the deceased member who are  
1653 eighteen (18) years of age or older who have not yet reached their  
1654 twenty-third birthday and are pursuing a full-time education; or

1655 (iii) Children of the deceased member who, though  
1656 eighteen (18) years of age or older, are wholly dependent upon the  
1657 deceased member and incapable of self-support by reason of mental  
1658 or physical disability.

1659 **SECTION 12.** Section 21-29-147, Mississippi Code of 1972, is  
1660 amended as follows:

1661 **[For any municipality that has not elected to authorize the**  
1662 **continuation of or reinstatement of spouse retirement benefits**  
1663 **under the provisions of Section 21-29-329, this section shall read**  
1664 **as follows:]**

1665           21-29-147. (1) If any member of a fire or police department  
1666 dies while a member of the fire or police department, and \* \* \*  
1667 has had not less than five (5) years' service with the department,  
1668 there shall be paid from the firemen's and policemen's disability  
1669 and relief fund benefits as follows:

1670           (a) For each year's active service, not to exceed a  
1671 period of twenty (20) years, one-fortieth (1/40) of the average  
1672 monthly salary or compensation received by the member in the  
1673 six-month period next preceding his or her death; and

1674           (b) For each full year of active service in excess of  
1675 twenty (20) years service, an additional payment in a sum equal to  
1676 one and seven-tenths percent (1-7/10%) of the same average monthly  
1677 base salary and longevity pay received by the member in the  
1678 six-month period next preceding his or her death (provided that no  
1679 such payment shall exceed sixty-six and two-thirds percent  
1680 (66-2/3%) of the average monthly base salary and longevity pay  
1681 received by a member for the six-month period next preceding his  
1682 or her death) to the spouse of the deceased member for the use of  
1683 the spouse and the child or children of the deceased member under  
1684 the age of eighteen (18) years, so long as he or she remains  
1685 unmarried, and if, after the marriage of the spouse, there remains  
1686 a child or children of the deceased member still under the age of  
1687 eighteen (18) years, the payments shall continue to be made to a  
1688 parent or lawful custodian of the child or children without the  
1689 necessity of appointment as guardian for the benefit of the child  
1690 or children, so long as the child or children are under the age of  
1691 eighteen (18) years. After the death or marriage of the spouse,  
1692 all payments to the spouse shall cease, and after the death or  
1693 attainment of the age of eighteen (18) years of any child or  
1694 children of the deceased member, all payments to the child or  
1695 children over eighteen (18) years of age shall cease. If the  
1696 deceased member is not survived by spouse or child or children

1697 under the age of eighteen (18) years, but is survived by a  
1698 father, \* \* \* mother \* \* \* or an unmarried sister dependent upon  
1699 him or her, the payments shall continue to be made to the  
1700 dependent father or mother or both, so long as each lives. If  
1701 there is no dependent father or mother surviving the deceased  
1702 member, the payments shall continue to be made to the dependent  
1703 sister or \* \* \* sisters of the deceased member, or dependent  
1704 incurable children of the deceased member, so long as the  
1705 beneficiary or beneficiaries \* \* \* remain unmarried. Upon the  
1706 death or marriage of any such sisters, all payments shall cease to  
1707 her. The word "dependent" as used in this section shall mean  
1708 "wholly dependent."

1709 (2) It is the intention of the Legislature that the benefits  
1710 authorized by paragraph (b) of subsection (1) of this section,  
1711 shall be paid to all qualified and eligible spouses whose deceased  
1712 spouses died before March 27, 1978.

1713 **[For any municipality that has elected to authorize the**  
1714 **continuation of or reinstatement of spouse retirement benefits**  
1715 **under the provisions of Section 21-29-329, this section shall read**  
1716 **as follows:]**

1717 21-29-147. (1) If any member of a fire or police department  
1718 dies while a member of the fire or police department, and who has  
1719 had not less than five (5) years' service with the department,  
1720 there shall be paid from the firemen's and policemen's disability  
1721 and relief fund benefits as follows:

1722 (a) For each year's active service, not to exceed a  
1723 period of twenty (20) years, one-fortieth (1/40) of the average  
1724 monthly salary or compensation received by the member in the  
1725 six-month period next preceding his or her death; and

1726 (b) For each full year of active service in excess of  
1727 twenty (20) years service, an additional payment in a sum equal to  
1728 one and seven-tenths percent (1-7/10%) of the same average monthly

1729 base salary and longevity pay received by the member in the  
1730 six-month period next preceding his or her death (provided that no  
1731 such payment shall exceed sixty-six and two-thirds percent  
1732 (66-2/3%) of the average monthly base salary and longevity pay  
1733 received by a member for the six-month period next preceding his  
1734 or her death) to the spouse of the deceased member for life for  
1735 the use of the spouse and the child or children of the deceased  
1736 member under the age of eighteen (18) years. If the deceased  
1737 member is not survived by a spouse, but there remains a child or  
1738 children of the deceased member still under the age of eighteen  
1739 (18) years, the payments shall \* \* \* be made to a parent or lawful  
1740 custodian of the child or children without the necessity of  
1741 appointment as guardian for the benefit of the child or children,  
1742 so long as the child or children are under the age of eighteen  
1743 (18) years. After the death \* \* \* of the spouse, all payments to  
1744 the spouse shall cease, and after the death or attainment of the  
1745 age of eighteen (18) years of any child or children of the  
1746 deceased member, all payments to the child or children over  
1747 eighteen (18) years of age shall cease. If the deceased member is  
1748 not survived by spouse or child or children under the age of  
1749 eighteen (18) years, but is survived by a father, \* \* \*  
1750 mother \* \* \* or an unmarried sister dependent upon him or her, the  
1751 payments shall continue to be made to the dependent father or  
1752 mother or both, so long as each lives. If there is no dependent  
1753 father or mother surviving the deceased member, the payments shall  
1754 continue to be made to the dependent sister or \* \* \* sisters of  
1755 the deceased member, or dependent incurable children of the  
1756 deceased member, so long as the beneficiary or beneficiaries \* \* \*  
1757 remain unmarried. Upon the death or marriage of any such sisters,  
1758 all payments shall cease to her. The word "dependent" as used in  
1759 this section shall mean "wholly dependent."

1760        (2) It is the intention of the Legislature that the benefits  
1761 authorized by paragraph (b) of subsection (1) of this section  
1762 shall be paid to all qualified and eligible spouses whose deceased  
1763 spouses died before March 27, 1978.

1764        **SECTION 13.** Section 21-29-255, Mississippi Code of 1972, is  
1765 amended as follows:

1766        **[For any municipality that has not elected to authorize the**  
1767 **continuation of or reinstatement of spouse retirement benefits**  
1768 **under the provisions of Section 21-29-329, this section shall read**  
1769 **as follows:]**

1770        21-29-255. (1) If any member of the fire or police  
1771 department dies in active service, or dies in inactive service on  
1772 account of disability approved for disability relief under Section  
1773 21-29-241, as a result of injury received while in the discharge  
1774 of duty in the service of the fire department or police  
1775 department, or dies as a result of sickness or disease, due to the  
1776 discharge of duty while in service as a member of the fire or  
1777 police department, or if the member dies while entitled to relief  
1778 after retirement under Section 21-29-245, the amount of disability  
1779 relief or retirement relief being paid, or which should have been  
1780 properly paid, shall continue to be paid from the fund to the  
1781 spouse of the deceased member for the use of the spouse and the  
1782 child, or children of the deceased member, so long as the spouse  
1783 remains unmarried. If, after the marriage of the spouse, there  
1784 remains a child or children of the deceased member, the payments  
1785 shall continue to be made to a parent or lawful custodian of the  
1786 child or children without the necessity of appointment as guardian  
1787 for the benefit of the child or children. After the death or  
1788 marriage of the spouse, all payments to the spouse shall cease,  
1789 and after the death of any child or children of the deceased, all  
1790 payments to the child or children shall cease. If the deceased  
1791 member is not survived by a spouse or child or children, but is

1792 survived by a father \* \* \* or a mother dependent upon him or her,  
1793 the payments shall continue to be made to the dependent father or  
1794 mother, or both, so long as each lives. If there is no dependent  
1795 father or mother surviving the deceased member, the payments shall  
1796 continue to be made to the unmarried dependent sister or \* \* \*  
1797 sisters of the deceased member, so long as the beneficiary or  
1798 beneficiaries \* \* \* remain unmarried. Upon the death or marriage  
1799 of any such sister, all payments shall cease to her. Payments to  
1800 dependents under this section are for services rendered to the  
1801 members of the fire and/or police department, and the amount of  
1802 payments is within the discretion of the board of disability and  
1803 relief, but in no event shall the amount payable under this  
1804 section be in excess of the amount that would have been payable as  
1805 disability and relief to a member of the department.

1806 If any member of the fire or police department dies while a  
1807 member of the fire department or police department, and the member  
1808 has not less than five (5) years' service with the department,  
1809 there shall be paid from the firemen's and policemen's disability  
1810 and relief fund the following benefits:

1811 (a) For each year's active service, not to exceed a  
1812 period of twenty (20) years, one-fortieth (1/40) of the average  
1813 monthly salary or compensation received by the member in the  
1814 six-month period next preceding his or her death; and

1815 (b) For each full year of active service in excess of  
1816 twenty (20) years' service, an additional payment in a sum equal  
1817 to one and seven-tenths percent (1-7/10%) of the same average  
1818 monthly base salary and longevity pay received by the member in  
1819 the six-month period next preceding his or her death (provided  
1820 that no such payment shall exceed sixty-six and two-thirds percent  
1821 (66-2/3%) of the average monthly base salary and longevity pay  
1822 received by a member for the six-month period next preceding his  
1823 or her death) to the spouse of the deceased member for the use of



1824 the spouse and the child or children of the deceased member, so  
1825 long as the spouse remains unmarried and if, after the marriage of  
1826 the spouse, there remains a child or children of the deceased  
1827 member, the payments shall continue to be made to a parent or  
1828 lawful custodian of the child or children without the necessity of  
1829 appointment as guardian for the benefit of the child or children,  
1830 and after the death or marriage of the spouse, all payments to the  
1831 spouse shall cease, and after the death of any child or children  
1832 of the deceased member, all payments to the child or children  
1833 shall cease. If the deceased member is not survived by a spouse  
1834 or child or children, but is survived by a father, \* \* \*  
1835 mother \* \* \* or an unmarried sister dependent upon him or her, the  
1836 payments shall continue to be made to the dependent father or  
1837 mother or both, so long as each lives, or if there is no dependent  
1838 father or mother surviving the deceased member, the payments shall  
1839 continue to be made to the dependent sister or \* \* \* sisters of  
1840 the deceased member, or dependent incurable children, so long as  
1841 the beneficiary or beneficiaries \* \* \* remain unmarried. Upon the  
1842 death or marriage of any such sisters, all payments shall cease to  
1843 her. \* \* \*

1844 (2) For purposes of this section:

1845 (a) \* \* \* "Dependent" means wholly dependent.

1846 (b) \* \* \* "Child" or "children" means:

1847 (i) Children of the deceased member under the age  
1848 of eighteen (18);

1849 (ii) Children of the deceased member eighteen (18)  
1850 years of age or older who have not yet reached their twenty-third  
1851 birthday and are pursuing a full-time education; or

1852 (iii) Children of the deceased member who, though  
1853 eighteen (18) years of age or older, are wholly dependent upon the  
1854 deceased member and incapable of self-support by reason of mental  
1855 or physical disability.

1856 [For any municipality that has elected to authorize the  
1857 continuation of or reinstatement of spouse retirement benefits  
1858 under the provisions of Section 21-29-329, this section shall read  
1859 as follows:]

1860 21-29-255. (1) If any member of the fire or police  
1861 department dies in active service, or dies in inactive service on  
1862 account of disability approved for disability relief under Section  
1863 21-29-241, as a result of injury received while in the discharge  
1864 of duty in the service of the fire department or police  
1865 department, or dies as a result of sickness or disease, due to the  
1866 discharge of duty while in service as a member of the fire or  
1867 police department, or if the member dies while entitled to relief  
1868 after retirement under Section 21-29-245, the amount of disability  
1869 relief or retirement relief being paid, or which should have been  
1870 properly paid, shall continue to be paid from the fund to the  
1871 spouse of the deceased member for life for the use of the spouse  
1872 and the child or children of the deceased member. If the deceased  
1873 member is not survived by a spouse, but there remains a child or  
1874 children of the deceased member, the payments shall continue to be  
1875 made to a parent or lawful custodian of the child or children  
1876 without the necessity of appointment as guardian for the benefit  
1877 of the child or children. After the death \* \* \* of the spouse,  
1878 all payments to the spouse shall cease, and after the death of any  
1879 child or children of the deceased member, all payments to the  
1880 child or children shall cease. If the deceased member is not  
1881 survived by a spouse or child or children, but is survived by a  
1882 father \* \* \* or a mother dependent upon him or her, the payments  
1883 shall continue to be made to the dependent father or mother, or  
1884 both, so long as each lives, or if there is no dependent father or  
1885 mother surviving the deceased member, the payments shall continue  
1886 to be made to the unmarried dependent sister or \* \* \* sisters of  
1887 the deceased member, so long as the beneficiary or

1888 beneficiaries \* \* \* remain unmarried. Upon the death or marriage  
1889 of any such sister, all payments shall cease to her. Payments to  
1890 dependents under this section are for services rendered to the  
1891 members of the fire and/or police department, and the amount of  
1892 payments is within the discretion of the board of disability and  
1893 relief, but in no event shall the amount payable under this  
1894 section be in excess of the amount that would have been payable as  
1895 disability and relief to a member of the department.

1896 If any member of the fire or police department dies while a  
1897 member of the fire department or police department, and the member  
1898 has had not less than five (5) years' service with the department,  
1899 there shall be paid from the firemen's and policemen's disability  
1900 and relief fund the following benefits:

1901 (a) For each year's active service, not to exceed a  
1902 period of twenty (20) years, one-fortieth (1/40) of the average  
1903 monthly salary or compensation received by the member in the  
1904 six-month period next preceding his or her death; and

1905 (b) For each full year of active service in excess of  
1906 twenty (20) years service, an additional payment in a sum equal to  
1907 one and seven-tenths percent (1-7/10%) of the same average monthly  
1908 base salary and longevity pay received by the member in the  
1909 six-month period next preceding his or her death (provided that no  
1910 such payment shall exceed sixty-six and two-thirds percent  
1911 (66-2/3%) of the average monthly base salary and longevity pay  
1912 received by a member for the six-month period next preceding his  
1913 or her death) to the spouse of the deceased member for the use of  
1914 the spouse and the child or children of the deceased member, so  
1915 long as the spouse lives and if, after the death of the spouse,  
1916 there remains a child or children of the deceased member, the  
1917 payments shall continue to be made to a parent or lawful custodian  
1918 of the child or children without the necessity of appointment as  
1919 guardian for the benefit of the child or children. After the

1920 death \* \* \* of the spouse, all payments to the spouse shall cease,  
1921 and after the death of any child or children of the deceased  
1922 member, all payments to the child or children shall cease. If the  
1923 deceased member is not survived by spouse or child or children,  
1924 but is survived by a father, \* \* \* mother \* \* \* or an unmarried  
1925 sister dependent upon him or her, the payments shall continue to  
1926 be made to the dependent father or mother or both, so long as each  
1927 lives, or if there is no dependent father or mother surviving the  
1928 deceased member, the payments shall continue to be made to the  
1929 dependent sister or \* \* \* sisters of the deceased, or dependent  
1930 incurable children, so long as the beneficiary or beneficiaries  
1931 remains unmarried. Upon the death or marriage of any such  
1932 sisters, all payments shall cease to her. \* \* \*

1933 (2) For the purposes of this section:

1934 (a) \* \* \* "Dependent" means wholly dependent.

1935 (b) \* \* \* "Child" or "children" means:

1936 (i) Children of the deceased member under the age  
1937 of eighteen (18);

1938 (ii) Children of the deceased member eighteen (18)  
1939 years of age or older who have not yet reached their twenty-third  
1940 birthday and are pursuing a full-time education; or

1941 (iii) Children of the deceased member who, though  
1942 eighteen (18) years of age or older, are wholly dependent upon the  
1943 deceased and incapable of self-support by reason of mental or  
1944 physical disability.

1945 **SECTION 14.** Sections 1, 4 and 8 of this act shall take  
1946 effect and be in force from and after the passage of this act.  
1947 The remainder of this act shall take effect and be in force from  
1948 and after July 1, 2004.

**Further, amend by striking the title in its entirety and  
inserting in lieu thereof the following:**

1 AN ACT TO CREATE NEW SECTION 21-29-327, MISSISSIPPI CODE OF  
2 1972, TO AUTHORIZE THE BOARD OF TRUSTEES OF THE PUBLIC EMPLOYEES'  
3 RETIREMENT SYSTEM TO ASSESS INTEREST ON DELINQUENT PAYMENTS FROM  
4 MUNICIPALITIES WHOSE RETIREMENT FUNDS IT ADMINISTERS; TO AUTHORIZE  
5 THE BOARD TO SUE MUNICIPALITIES FOR THOSE DELINQUENT PAYMENTS AND  
6 INTEREST IN A COURT OF COMPETENT JURISDICTION; TO CREATE NEW  
7 SECTION 21-29-329, MISSISSIPPI CODE OF 1972, TO AUTHORIZE  
8 MUNICIPALITIES THAT HAVE A RETIREMENT FUND ADMINISTERED BY THE  
9 BOARD OF TRUSTEES OF THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM TO  
10 ADOPT A RESOLUTION TO ALLOW THOSE SPOUSES WHO ARE RECEIVING  
11 RETIREMENT BENEFITS TO CONTINUE TO RECEIVE SPOUSE RETIREMENT  
12 BENEFITS FOR LIFE EVEN IF THE SPOUSE REMARRIES; TO PROVIDE THAT  
13 THE RESOLUTION ALSO MAY PROVIDE THAT SURVIVING SPOUSES OF DECEASED  
14 MEMBERS WHO RECEIVED SPOUSE RETIREMENT BENEFITS THAT WERE  
15 TERMINATED UPON REMARRIAGE TO AGAIN RECEIVE SPOUSE RETIREMENT  
16 BENEFITS; TO PROVIDE THE CONDITIONS MUST BE MET IN ORDER FOR THE  
17 BENEFITS TO BE REINSTATED; TO AMEND SECTIONS 25-11-15, 25-11-103,  
18 25-11-105, 25-11-114, 25-11-137, 25-13-12 AND 25-13-13,  
19 MISSISSIPPI CODE OF 1972, TO REMOVE CERTAIN RESTRICTIONS ON THE  
20 PURCHASE OF COMPUTER SOFTWARE AND EQUIPMENT BY THE PUBLIC  
21 EMPLOYEES' RETIREMENT SYSTEM; TO REVISE DEFINITIONS UNDER THE LAWS  
22 GOVERNING THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM TO CLARIFY THAT  
23 THE TERMS "AVERAGE COMPENSATION" AND "EARNED COMPENSATION" DO NOT  
24 INCLUDE NONTAXABLE AMOUNTS PAID BY THE EMPLOYER FOR HEALTH AND  
25 LIFE INSURANCE, TO PROVIDE THAT CERTAIN AMOUNTS LAWFULLY PAID IN A  
26 LUMP SUM FOR MAJOR MEDICAL LEAVE SHALL BE INCLUDED IN THE  
27 CALCULATION OF AVERAGE COMPENSATION, AND TO PROVIDE THAT THE TERM  
28 "BENEFICIARY" MAY INCLUDE AN ORGANIZATION, ESTATE, TRUST OR  
29 ENTITY; TO MAKE IT CLEAR THAT THE BOARD OF TRUSTEES OF THE PUBLIC  
30 EMPLOYEES' RETIREMENT SYSTEM MAY SUE FOR DELINQUENT PAYMENTS AND  
31 OTHER AMOUNTS CERTIFIED BY THE BOARD AS OWED BY THE EMPLOYER; TO  
32 REQUIRE THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM TO ALLOW THOSE  
33 SPOUSES WHO ARE RECEIVING RETIREMENT BENEFITS TO CONTINUE TO  
34 RECEIVE SPOUSE RETIREMENT BENEFITS FOR LIFE EVEN IF THE SPOUSE  
35 REMARRIES, AND TO ALLOW SURVIVING SPOUSES OF DECEASED MEMBERS WHO  
36 RECEIVED SPOUSE RETIREMENT BENEFITS THAT WERE TERMINATED UPON  
37 REMARRIAGE TO AGAIN RECEIVE SPOUSE RETIREMENT BENEFITS; TO PROVIDE  
38 THAT A LAW ENFORCEMENT OFFICER OR FIREMAN WHO CHANGES EMPLOYMENT  
39 AND TRANSFERS RETIREMENT SERVICE CREDIT OR FUNDS TO ANOTHER  
40 RETIREMENT SYSTEM ADMINISTERED BY THE BOARD OF TRUSTEES OF THE  
41 PUBLIC EMPLOYEES' RETIREMENT SYSTEM MAY DO SO IMMEDIATELY, BUT THE  
42 AMOUNTS SO TRANSFERRED MAY NOT BE USED IN ANY BENEFIT CALCULATION  
43 OR DETERMINATION OF THE ELIGIBILITY FOR BENEFITS UNTIL THE PERSON  
44 HAS REMAINED A CONTRIBUTING MEMBER OF THE RETIREMENT SYSTEM TO  
45 WHICH HE IS TRANSFERRING FOR THE MINIMUM PERIOD NECESSARY TO  
46 QUALIFY FOR A MONTHLY RETIREMENT ALLOWANCE OR BENEFIT; TO PROVIDE  
47 THAT RETIRED MEMBERS OF THE HIGHWAY PATROL RETIREMENT SYSTEM WHO  
48 ARE REEMPLOYED AND WHO PREVIOUSLY QUALIFIED FOR A COST OF LIVING  
49 ALLOWANCE SHALL BE ELIGIBLE IMMEDIATELY FOR THE COST OF LIVING  
50 ALLOWANCE UPON A LATER RETIREMENT; TO AMEND SECTIONS 21-29-45,  
51 21-29-145, 21-29-147 AND 21-29-255, MISSISSIPPI CODE OF 1972, IN  
52 CONFORMITY TO THE PROVISIONS OF THIS ACT; AND FOR RELATED  
53 PURPOSES.