

**Lost
AMENDMENT NO 1 PROPOSED TO**

Cmte Sub for Senate Bill No. 2689

BY: Senator(s) Nunnelee

1 **AMEND line 706 by inserting "(a)" after "(6)".**

2 **FURTHER, AMEND by inserting the following after line 732:**

3 (b) Any member who was erroneously granted credit by
4 the system for service in the National Guard or United States
5 Reserves prior to July 1, 2004, shall be entitled to creditable
6 service at no cost for such service; however, creditable service
7 for service in the National Guard or Reserves shall not exceed
8 four (4) years.

9 **AMEND by inserting the following after line 1713 and renumber**
10 **subsequent sections accordingly:**

11 **SECTION *.** Section 25-11-131, Mississippi Code of 1972, is
12 amended as follows:

13 25-11-131. (1) Any person or corporation who shall receive
14 and retain any payment, after the death of a member or after the
15 death of the beneficiary of any member, which amount is not
16 lawfully due, shall be liable for the repayment of such amount to
17 the retirement system plus interest thereon at ten percent (10%)
18 per annum plus all costs of collection. Any person who shall
19 knowingly make any false statement or shall falsify or permit to
20 be falsified any record or records of this retirement system in
21 any attempt to defraud such system as a result of such act shall

22 be guilty of a misdemeanor if the amount obtained or attempted to
23 be obtained does not exceed the amount of Five Hundred Dollars
24 (\$500.00), and, on conviction thereof by any court of competent
25 jurisdiction, shall be punished by a fine not exceeding Five
26 Hundred Dollars (\$500.00) or imprisonment in the county jail not
27 exceeding six (6) months, or both; if such amount obtained or
28 attempted to be obtained shall exceed the sum of Five Hundred
29 Dollars (\$500.00), such person or persons shall be guilty of a
30 felony and, on conviction thereof by any court of competent
31 jurisdiction, shall be punished by a fine not exceeding Ten
32 Thousand Dollars (\$10,000.00) or by imprisonment in the State
33 Penitentiary not exceeding five (5) years, or both.

34 (2) Except as otherwise provided in subsection (3) of this
35 section, should any change or error in the records result in any
36 member or beneficiary receiving from the retirement system more or
37 less than he would have been entitled to receive had the records
38 been correct, the board * * * shall correct such error upon
39 detection, regardless of the length of time between the reporting
40 error or the time payment started and the time the board became
41 aware of the error, and, as far as practicable, adjust the payment
42 in such a manner that the actuarial equivalent of the benefit to
43 which such member or beneficiary was correctly entitled shall be
44 paid. This responsibility is, and has been, the duty of the board
45 since the creation of the retirement system.

46 (3) If, prior to July 1, 2004, the retirement system has
47 credited the retirement account of a member with not more than
48 four (4) years of service in the National Guard or United States
49 Reserves and later determines this credit to be an error, the
50 board shall not be allowed to correct such error.

51 **FURTHER, AMEND line 2 of the title by striking "AND**
52 **25-11-117" AND INSERT IN LIEU THEREOF ", 25-11-117 AND 25-11-131".**

53 **AMEND line 16 of the title by inserting the following after**
54 **the semicolon:**

55 TO PROVIDE THAT A MEMBER OF THE PUBLIC EMPLOYEES' RETIREMENT
56 SYSTEM SHALL RECEIVE SERVICE CREDIT FOR CERTAIN NATIONAL GUARD OR
57 RESERVE SERVICE THAT WAS ERRONEOUSLY CREDITED TO HIS MEMBERSHIP
58 ACCOUNT;