

By: Representative Denton

To: Appropriations

HOUSE BILL NO. 250

1 AN ACT TO CREATE NEW SECTIONS 25-11-147 AND 25-11-321,
2 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT IF A MEMBER OF THE
3 PUBLIC EMPLOYEES' RETIREMENT SYSTEM WHO IS AN ELECTED OFFICIAL OR
4 A MEMBER OF THE SUPPLEMENTAL LEGISLATIVE RETIREMENT PLAN IS
5 CONVICTED OF OR ENTERS A PLEA OF GUILTY OR NOLO CONTENDERE IN ANY
6 COURT TO A FELONY IN WHICH PUBLIC FUNDS WERE UNLAWFULLY TAKEN,
7 OBTAINED OR MISAPPROPRIATED IN THE ABUSE OR MISUSE OF THE PERSON'S
8 OFFICE THAT IS COMMITTED ON OR AFTER JULY 1, 2022, THE COURT SHALL
9 CONDUCT A HEARING IN A SEPARATE CIVIL PROCEEDING TO DETERMINE IF
10 ALL OF THE CONDITIONS HAVE BEEN MET; TO PROVIDE THAT IF ALL OF THE
11 CONDITIONS HAVE BEEN MET, THE COURT SHALL ISSUE AN ORDER THAT THE
12 MEMBER'S RETIREMENT BENEFITS FROM THE SYSTEM OR PLAN BE SUSPENDED;
13 TO PROVIDE THAT A MEMBER WHO IS CONVICTED OF SUCH A FELONY SHALL
14 NOT HAVE HIS OR HER RETIREMENT BENEFITS FROM THE SYSTEM OR PLAN
15 SUSPENDED UNTIL ALL APPEALS OF THE CONVICTION HAVE BEEN FINALLY
16 CONCLUDED OR THE TIME FOR AN APPEAL FROM THE CONVICTION HAS
17 EXPIRED; TO PROVIDE THAT AFTER RECEIVING THE SUSPENSION ORDER FROM
18 THE COURT, THE SYSTEM SHALL REQUEST THE ATTORNEY GENERAL FOR A
19 DETERMINATION OF WHETHER ALL APPEALS OF THE CONVICTION HAVE BEEN
20 FINALLY CONCLUDED OR THE TIME FOR AN APPEAL FROM THE CONVICTION
21 HAS EXPIRED; TO PROVIDE THAT AFTER THE ATTORNEY GENERAL NOTIFIES
22 THE SYSTEM THAT ALL APPEALS OF THE CONVICTION HAVE BEEN FINALLY
23 CONCLUDED OR THE TIME FOR AN APPEAL FROM THE CONVICTION HAS
24 EXPIRED, THE MEMBER'S RETIREMENT BENEFITS FROM THE SYSTEM OR PLAN
25 SHALL BE SUSPENDED UNTIL THE MEMBER HAS MADE FULL RESTITUTION OF
26 THE PUBLIC FUNDS THAT WERE UNLAWFULLY TAKEN, OBTAINED OR
27 MISAPPROPRIATED IN THE ABUSE OR MISUSE OF THE MEMBER'S OFFICE, AS
28 DETERMINED BY THE ATTORNEY GENERAL; TO PROVIDE THAT IF A MEMBER OF
29 THE SYSTEM OR PLAN IS ALSO A MEMBER OF ANOTHER RETIREMENT SYSTEM
30 ADMINISTERED BY THE BOARD OF TRUSTEES OF THE SYSTEM, AND THE
31 FELONY FOR WHICH THE MEMBER WAS CONVICTED OR ENTERED A PLEA OF
32 GUILTY OR NOLO CONTENDERE WAS IN CONNECTION WITH THE MEMBER'S
33 SERVICE AS AN ELECTED OFFICIAL THAT IS COVERED BY ONLY ONE OF THE
34 RETIREMENT SYSTEMS, THE MEMBER'S RETIREMENT BENEFITS WILL BE



35 SUSPENDED ONLY FROM THE RETIREMENT SYSTEM IN WHICH HIS OR HER
36 SERVICE AS AN ELECTED OFFICIAL WAS COVERED AT THE TIME THAT HE OR
37 SHE COMMITTED THE FELONY; TO PROVIDE THAT THE SYSTEM MAY
38 CONCLUSIVELY RELY ON A SUSPENSION ORDER FROM THE COURT AND THE
39 NOTICE FROM THE ATTORNEY GENERAL THAT THE REQUIREMENTS OF THIS ACT
40 HAVE BEEN MET IN SUSPENDING A MEMBER'S RETIREMENT BENEFITS FROM
41 THE SYSTEM OR PLAN; TO PROVIDE THAT THE SYSTEM IS NOT LIABLE FOR
42 ANY MISTAKE IN THE PAYMENT OF RETIREMENT BENEFITS TO A MEMBER IN
43 GOOD FAITH RELIANCE ON A SUSPENSION ORDER FROM THE COURT AND THE
44 NOTICE FROM THE ATTORNEY GENERAL; TO PROVIDE THAT ANY AMBIGUITY OR
45 UNCERTAINTY ABOUT WHETHER A MEMBER'S RETIREMENT BENEFITS FROM THE
46 SYSTEM OR PLAN SHOULD BE SUSPENDED SHALL BE RESOLVED IN FAVOR OF
47 THE MEMBER; TO AMEND SECTIONS 25-11-111, 25-11-120, 25-11-129,
48 25-11-309 AND 25-11-319, MISSISSIPPI CODE OF 1972, TO CONFORM TO
49 THE PRECEDING PROVISIONS; AND FOR RELATED PURPOSES.

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

51 **SECTION 1.** The following shall be codified as Section
52 25-11-147, Mississippi Code of 1972:

53 25-11-147. (1) "Felony involving public funds" means a
54 felony in which public funds were unlawfully taken, obtained or
55 misappropriated in the abuse or misuse of the person's office or
56 money coming into the person's hands by virtue of the person's
57 office.

58 (2) (a) If an active member of the system who is an elected
59 official is convicted of or enters a plea of guilty or nolo
60 contendere in any court of this state to a felony involving public
61 funds that is committed on or after July 1, 2022; or

62 (b) If a retired member of the system who is elected to
63 public office after retirement and employed under Section
64 25-11-127 is convicted of or enters a plea of guilty or nolo
65 contendere in any court of this state to a felony involving public
66 funds that is committed during the member's employment under
67 Section 25-11-127 and is committed on or after July 1, 2022; or



68 (c) If a retired member of the system who was an
69 elected official, or a member of the system who was an elected
70 official and has withdrawn from service but is not receiving a
71 retirement allowance from the system, is convicted of or enters a
72 plea of guilty or nolo contendere in any court of this state to a
73 felony involving public funds that was committed while the member
74 was an elected official on or after July 1, 2022, the court shall
75 conduct a hearing in a separate civil proceeding to determine if
76 all of the conditions in this subsection have been met. The court
77 shall provide notice of the hearing to the member and each person
78 who is named as a beneficiary of the member in the records of the
79 system. If, after the hearing, the court determines that all of
80 the conditions in this subsection have been met, the court shall
81 issue an order that the member's retirement benefits from the
82 system be suspended as provided in this section. The court shall
83 send a copy of its suspension order to the system.

84 (3) (a) If an active member of the system who is an elected
85 official is convicted of or enters a plea of guilty or nolo
86 contendere in a court of another state or a federal court to a
87 crime that would be a felony under the laws of this state if the
88 crime were committed in this state, and that is a felony involving
89 public funds and is committed on or after July 1, 2022; or

90 (b) If a retired member of the system who is elected to
91 public office after retirement and employed under Section
92 25-11-127 is convicted of or enters a plea of guilty or nolo



93 contendere in a court of another state or a federal court to a
94 crime that would be a felony under the laws of this state if the
95 crime were committed in this state, and that is a felony involving
96 public funds that is committed during the member's employment
97 under Section 25-11-127 and is committed on or after July 1, 2022;
98 or

99 (c) If a retired member of the system who was an
100 elected official, or a member of the system who was an elected
101 official and has withdrawn from service but is not receiving a
102 retirement allowance from the system, is convicted of or enters a
103 plea of guilty or nolo contendere in a court of another state or a
104 federal court to a crime that would be a felony under the laws of
105 this state if the crime were committed in this state, and that is
106 a felony involving public funds that was committed while the
107 member was an elected official on or after July 1, 2022, the
108 Attorney General of Mississippi shall enter a motion in the
109 circuit court of the county of residence of the member, or in the
110 Circuit Court of the First Judicial District of Hinds County,
111 Mississippi, if the member does not reside in Mississippi, for
112 suspension of the member's retirement benefits from the system as
113 provided in this section. The court shall conduct a civil hearing
114 to determine if all of the conditions in this subsection have been
115 met. The court shall provide notice of the hearing to the member
116 and each person who is named as a beneficiary of the member in the
117 records of the system. If, after the hearing, the court



118 determines that all of the conditions in this subsection have been
119 met, the court shall issue an order that the member's retirement
120 benefits from the system be suspended as provided in this section.
121 The court shall send a copy of its suspension order to the system.

122 (4) A member who is an elected official who is convicted of
123 a felony involving public funds shall not have his or her
124 retirement benefits from the system suspended until all appeals of
125 the conviction have been finally concluded or the time for an
126 appeal from the conviction has expired. Upon receipt of the
127 suspension order from the court, the system shall request the
128 Attorney General for a determination of whether all appeals of the
129 conviction have been finally concluded or the time for an appeal
130 from the conviction has expired. After the Attorney General
131 notifies the system that all appeals of the conviction have been
132 finally concluded or the time for an appeal from the conviction
133 has expired, the member's retirement benefits from the system
134 shall be suspended as provided in this section.

135 (5) (a) An active member who is an elected official, or a
136 member of the system who was an elected official and has withdrawn
137 from service but is not receiving a retirement allowance from the
138 system, whose retirement benefits from the system have been
139 suspended shall not receive a retirement allowance or other
140 retirement benefits from the system following the date that the
141 system receives the notice from the Attorney General until the
142 member has made full restitution of the public funds that were



143 unlawfully taken, obtained or misappropriated in the abuse or
144 misuse of the member's office, as determined by the Attorney
145 General.

146 (b) A retired member who was an elected official whose
147 retirement benefits from the system have been suspended shall have
148 his or her retirement allowance suspended beginning on the first
149 day of the month following the date that the system receives the
150 notice from the Attorney General, and the member shall not receive
151 any additional retirement benefits from the system after that date
152 until the member has made full restitution of the public funds
153 that were unlawfully taken, obtained or misappropriated in the
154 abuse or misuse of the member's office or employment, as
155 determined by the Attorney General.

156 (c) When a member's retirement benefits in the system
157 have been suspended under this section, the member shall forfeit
158 all of the retirement benefits that the member otherwise would
159 have been entitled to receive during the period that the benefits
160 are suspended.

161 (6) If a member of the system who is or was an elected
162 official is also a member of another retirement system
163 administered by the Board of Trustees of the Public Employees'
164 Retirement System, and the felony involving public funds for which
165 the member was convicted or entered a plea of guilty or nolo
166 contendere was in connection with the member's service as an
167 elected official that is covered by only one (1) of the retirement



168 systems, the member's retirement benefits will be suspended only
169 from the retirement system in which his or her service as an
170 elected official was covered at the time that he or she committed
171 the felony. In the case of a retired member who is elected to
172 public office after retirement and employed under Section
173 25-11-127, the member's retirement benefits will be suspended only
174 from the retirement system in which his or her service as an
175 elected official would have been covered if the member had been an
176 elected official in the same office at the time that he or she
177 committed the felony.

178 (7) The system may conclusively rely on a suspension order
179 from the court and the notice from the Attorney General that the
180 requirements of this section have been met in suspending a
181 member's retirement benefits from the system under this section.
182 The system is not liable for any mistake in the payment of
183 retirement benefits to a member in good faith reliance on a
184 suspension order from the court and the notice from the Attorney
185 General, and a member who receives any such mistaken payments
186 shall not be liable to repay those benefits to the system.

187 (8) A member's retirement benefits from the system shall not
188 be suspended unless there is a specific provision in this section
189 applicable to the member's situation that requires the suspension
190 of the member's retirement benefits from the system. Any
191 ambiguity or uncertainty about whether a member's retirement



192 benefits from the system should be suspended shall be resolved in
193 favor of the member.

194 **SECTION 2.** The following shall be codified as Section
195 25-11-321, Mississippi Code of 1972:

196 25-11-321. (1) "Felony involving public funds" means a
197 felony in which public funds were unlawfully taken, obtained or
198 misappropriated in the abuse or misuse of the person's office or
199 money coming into the person's hands by virtue of the person's
200 office.

201 (2) (a) If an active member of the plan is convicted of or
202 enters a plea of guilty or nolo contendere in any court of this
203 state to a felony involving public funds that is committed on or
204 after July 1, 2022; or

205 (b) If a retired member of the plan, or a member of the
206 plan who is not serving in the State Legislature or as President
207 of the Senate but is not receiving a retirement allowance from the
208 plan, is convicted of or enters a plea of guilty or nolo
209 contendere in any court of this state to a felony involving public
210 funds that was committed while the member was serving in the State
211 Legislature or as President of the Senate on or after July 1,
212 2022, the court shall conduct a hearing in a separate civil
213 proceeding to determine if all of the conditions in this
214 subsection have been met. The court shall provide notice of the
215 hearing to the member and each person who is named as a
216 beneficiary of the member in the records of the system. If, after



217 the hearing, the court determines that all of the conditions in
218 this subsection have been met, the court shall issue an order that
219 the member's retirement benefits from the plan be suspended as
220 provided in this section. The court shall send a copy of its
221 suspension order to the system.

222 (3) (a) If an active member of the plan is convicted of or
223 enters a plea of guilty or nolo contendere in a court of another
224 state or a federal court to a crime that would be a felony under
225 the laws of this state if the crime were committed in this state,
226 and that is a felony involving public funds and is committed on or
227 after July 1, 2022; or

228 (b) If a retired member of the plan, or a member of the
229 plan who is not serving in the State Legislature or as President
230 of the Senate but is not receiving a retirement allowance from the
231 plan, is convicted of or enters a plea of guilty or nolo
232 contendere in a court of another state or a federal court to a
233 crime that would be a felony under the laws of this state if the
234 crime were committed in this state, and that is a felony involving
235 public funds that was committed while the member was serving in
236 the State Legislature or as President of the Senate on or after
237 July 1, 2022, the Attorney General of Mississippi shall enter a
238 motion in the circuit court of the county of residence of the
239 member, or in the Circuit Court of the First Judicial District of
240 Hinds County, Mississippi, if the member does not reside in
241 Mississippi, for suspension of the member's retirement benefits



242 from the plan as provided in this section. The court shall
243 conduct a civil hearing to determine if all of the conditions in
244 this subsection have been met. The court shall provide notice of
245 the hearing to the member and each person who is named as a
246 beneficiary of the member in the records of the system. If, after
247 the hearing, the court determines that all of the conditions in
248 this subsection have been met, the court shall issue an order that
249 the member's retirement benefits from the plan be suspended as
250 provided in this section. The court shall send a copy of its
251 suspension order to the system.

252 (4) A member who is convicted of a felony involving public
253 funds shall not have his or her retirement benefits from the plan
254 suspended until all appeals of the conviction have been finally
255 concluded or the time for an appeal from the conviction has
256 expired. Upon receipt of the suspension order from the court, the
257 system shall request the Attorney General for a determination of
258 whether all appeals of the conviction have been finally concluded
259 or the time for an appeal from the conviction has expired. After
260 the Attorney General notifies the system that all appeals of the
261 conviction have been finally concluded or the time for an appeal
262 from the conviction has expired, the member's retirement benefits
263 from the plan shall be suspended as provided in this section.

264 (5) (a) A member of the plan who is serving in the State
265 Legislature or as President of the Senate, or a member of the plan
266 who is not serving in the State Legislature or as President of the



267 Senate but is not receiving a retirement allowance from the plan,
268 whose retirement benefits from the plan have been suspended shall
269 not receive a retirement allowance or other retirement benefits
270 from the plan following the date that the system receives the
271 notice from the Attorney General until the member has made full
272 restitution of the public funds that were unlawfully taken,
273 obtained or misappropriated in the abuse or misuse of the member's
274 office or employment, as determined by the Attorney General.

275 (b) A retired member of the plan whose retirement
276 benefits from the plan have been suspended shall have his or her
277 retirement allowance suspended beginning on the first day of the
278 month following the date that the system receives the notice from
279 the Attorney General, and the member shall not receive any
280 additional retirement benefits from the plan after that date until
281 the member has made full restitution of the public funds that were
282 unlawfully taken, obtained or misappropriated in the abuse or
283 misuse of the member's office or employment, as determined by the
284 Attorney General.

285 (c) When a member's retirement benefits in the plan
286 have been suspended under this section, the member shall forfeit
287 all of the retirement benefits that the member otherwise would
288 have been entitled to receive during the period that the benefits
289 are suspended.

290 (6) If an active member of the plan, or a member of the plan
291 who is not serving in the State Legislature or as President of the



292 Senate but is not receiving a retirement allowance from the plan,
293 has his or her retirement benefits from the plan suspended under
294 this section, the member also will have his or her retirement
295 benefits from the Public Employees' Retirement System suspended.
296 If a retired member of the plan is an active or retired member of
297 the Public Employees' Retirement System, or a member of the system
298 who has withdrawn from service but is not receiving a retirement
299 allowance from the system, whose retirement benefits from the
300 system are suspended under Section 25-11-147, the member's
301 retirement benefits from the plan will not be suspended if the
302 felony involving public funds for which the member was convicted
303 or entered a plea of guilty or nolo contendere was not in
304 connection with the member's service with the State Legislature or
305 as President of the Senate.

306 (7) The Public Employees' Retirement System may conclusively
307 rely on a suspension order from the court and the notice from the
308 Attorney General that the requirements of this section have been
309 met in suspending a member's retirement benefits from the plan
310 under this section. The system is not liable for any mistake in
311 the payment of retirement benefits under the plan to a member in
312 good faith reliance on a suspension order from the court and the
313 notice from the Attorney General, and a member who receives any
314 such mistaken payments shall not be liable to repay those benefits
315 to the plan.



316 (8) A member's retirement benefits from the plan shall not
317 be suspended unless there is a specific provision in this section
318 applicable to the member's situation that requires the suspension
319 of the member's retirement benefits from the plan. Any ambiguity
320 or uncertainty about whether a member's retirement benefits from
321 the plan should be suspended shall be resolved in favor of the
322 member.

323 **SECTION 3.** Section 25-11-111, Mississippi Code of 1972, is
324 amended as follows:

325 25-11-111. (a) (1) Any member who became a member of the
326 system before July 1, 2007, upon withdrawal from service upon or
327 after attainment of the age of sixty (60) years who has completed
328 at least four (4) years of membership service, or any member who
329 became a member of the system before July 1, 2011, upon withdrawal
330 from service regardless of age who has completed at least
331 twenty-five (25) years of creditable service, shall be entitled to
332 receive a retirement allowance, which shall begin on the first of
333 the month following the date the member's application for the
334 allowance is received by the board, but in no event before
335 withdrawal from service.

336 (2) Any member who became a member of the system on or
337 after July 1, 2007, upon withdrawal from service upon or after
338 attainment of the age of sixty (60) years who has completed at
339 least eight (8) years of membership service, or any member who
340 became a member of the system on or after July 1, 2011, upon



341 withdrawal from service regardless of age who has completed at
342 least thirty (30) years of creditable service, shall be entitled
343 to receive a retirement allowance, which shall begin on the first
344 of the month following the date the member's application for the
345 allowance is received by the board, but in no event before
346 withdrawal from service.

347 (b) (1) Any member who became a member of the system before
348 July 1, 2007, whose withdrawal from service occurs before
349 attaining the age of sixty (60) years who has completed four (4)
350 or more years of membership service and has not received a refund
351 of his accumulated contributions, shall be entitled to receive a
352 retirement allowance, beginning upon his attaining the age of
353 sixty (60) years, of the amount earned and accrued at the date of
354 withdrawal from service. The retirement allowance shall begin on
355 the first of the month following the date the member's application
356 for the allowance is received by the board, but in no event before
357 withdrawal from service.

358 (2) Any member who became a member of the system on or
359 after July 1, 2007, whose withdrawal from service occurs before
360 attaining the age of sixty (60) years who has completed eight (8)
361 or more years of membership service and has not received a refund
362 of his accumulated contributions, shall be entitled to receive a
363 retirement allowance, beginning upon his attaining the age of
364 sixty (60) years, of the amount earned and accrued at the date of
365 withdrawal from service. The retirement allowance shall begin on



366 the first of the month following the date the member's application
367 for the allowance is received by the board, but in no event before
368 withdrawal from service.

369 (c) Any member in service who has qualified for retirement
370 benefits may select any optional method of settlement of
371 retirement benefits by notifying the Executive Director of the
372 Board of Trustees of the Public Employees' Retirement System in
373 writing, on a form prescribed by the board, of the option he has
374 selected and by naming the beneficiary of the option and
375 furnishing necessary proof of age. The option, once selected, may
376 be changed at any time before actual retirement or death, but upon
377 the death or retirement of the member, the optional settlement
378 shall be placed in effect upon proper notification to the
379 executive director.

380 (d) Any member who became a member of the system before July
381 1, 2011, shall be entitled to an annual retirement allowance which
382 shall consist of:

383 (1) A member's annuity, which shall be the actuarial
384 equivalent of the accumulated contributions of the member at the
385 time of retirement computed according to the actuarial table in
386 use by the system; and

387 (2) An employer's annuity, which, together with the
388 member's annuity provided above, shall be equal to two percent
389 (2%) of the average compensation for each year of service up to
390 and including twenty-five (25) years of creditable service, and



391 two and one-half percent (2-1/2%) of the average compensation for
392 each year of service exceeding twenty-five (25) years of
393 creditable service.

394 (3) Any retired member or beneficiary thereof who was
395 eligible to receive a retirement allowance before July 1, 1991,
396 and who is still receiving a retirement allowance on July 1, 1992,
397 shall receive an increase in the annual retirement allowance of
398 the retired member equal to one-eighth of one percent (1/8 of 1%)
399 of the average compensation for each year of state service in
400 excess of twenty-five (25) years of membership service up to and
401 including thirty (30) years. The maximum increase shall be
402 five-eighths of one percent (5/8 of 1%). In no case shall a
403 member who has been retired before July 1, 1987, receive less than
404 Ten Dollars (\$10.00) per month for each year of creditable service
405 and proportionately for each quarter year thereof. Persons
406 retired on or after July 1, 1987, shall receive at least Ten
407 Dollars (\$10.00) per month for each year of service and
408 proportionately for each quarter year thereof reduced for the
409 option selected. However, such Ten Dollars (\$10.00) minimum per
410 month for each year of creditable service shall not apply to a
411 retirement allowance computed under Section 25-11-114 based on a
412 percentage of the member's average compensation.

413 (e) Any member who became a member of the system on or after
414 July 1, 2011, shall be entitled to an annual retirement allowance
415 which shall consist of:



416 (1) A member's annuity, which shall be the actuarial
417 equivalent of the accumulated contributions of the member at the
418 time of retirement computed according to the actuarial table in
419 use by the system; and

420 (2) An employer's annuity, which, together with the
421 member's annuity provided above, shall be equal to two percent
422 (2%) of the average compensation for each year of service up to
423 and including thirty (30) years of creditable service, and two and
424 one-half percent (2-1/2%) of average compensation for each year of
425 service exceeding thirty (30) years of creditable service.

426 (f) Any member who became a member of the system on or after
427 July 1, 2011, upon withdrawal from service upon or after attaining
428 the age of sixty (60) years who has completed at least eight (8)
429 years of membership service, or any such member upon withdrawal
430 from service regardless of age who has completed at least thirty
431 (30) years of creditable service, shall be entitled to receive a
432 retirement allowance computed in accordance with the formula set
433 forth in subsection (e) of this section. In the case of the
434 retirement of any member who has attained age sixty (60) but who
435 has not completed at least thirty (30) years of creditable
436 service, the retirement allowance shall be computed in accordance
437 with the formula set forth in subsection (e) of this section
438 except that the total annual retirement allowance shall be reduced
439 by an actuarial equivalent factor for each year of creditable



440 service below thirty (30) years or the number of years in age that
441 the member is below age sixty-five (65), whichever is less.

442 (g) No member, except members excluded by the Age
443 Discrimination in Employment Act Amendments of 1986 (Public Law
444 99-592), under either Article 1 or Article 3 in state service
445 shall be required to retire because of age.

446 (h) No payment on account of any benefit granted under the
447 provisions of this section shall become effective or begin to
448 accrue until January 1, 1953.

449 (i) (1) A retiree or beneficiary may, on a form prescribed
450 by and filed with the retirement system, irrevocably waive all or
451 a portion of any benefits from the retirement system to which the
452 retiree or beneficiary is entitled. The waiver shall be binding
453 on the heirs and assigns of any retiree or beneficiary and the
454 same must agree to forever hold harmless the Public Employees'
455 Retirement System of Mississippi from any claim to the waived
456 retirement benefits.

457 (2) Any waiver under this subsection shall apply only
458 to the person executing the waiver. A beneficiary shall be
459 entitled to benefits according to the option selected by the
460 member at the time of retirement. However, a beneficiary may, at
461 the option of the beneficiary, execute a waiver of benefits under
462 this subsection.



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

466 (4) The board of trustees may provide rules and
467 regulations for the administration of waivers under this
468 subsection.

469 (j) A member whose retirement benefits from the system have
470 been suspended under Section 25-11-147 shall not be eligible to
471 receive a retirement allowance under this section during the
472 entire period of the suspension of the benefits.

473 **SECTION 4.** Section 25-11-120, Mississippi Code of 1972, is
474 amended as follows:

475 25-11-120. (1) Any individual aggrieved by an
476 administrative determination, including a determination of the
477 medical board, relating to the eligibility for or payment of
478 benefits, or the calculation of creditable service or other
479 similar matters relating to the Public Employees' Retirement
480 System or any other retirement system or program administered by
481 the board, may request a hearing before a hearing officer
482 designated by the board. Such hearings shall be conducted in
483 accordance with rules and regulations adopted by the board and
484 formal rules of evidence shall not apply. The hearing officer is
485 authorized to administer oaths, hear testimony of witnesses and
486 receive documentary and other evidence. In case of disability
487 appeals, the hearing officer shall have the authority to defer a



488 decision in order to request a medical evaluation or test or
489 additional existing medical records not previously furnished by
490 the claimant. After the hearing and the receipt of any additional
491 medical evidence requested by the hearing officer, the hearing
492 officer shall certify the record to the board, which shall include
493 the hearing officer's proposed statement of facts, conclusions of
494 law and recommendation. The record may include a taped recording
495 of the proceedings of the hearing in lieu of a transcribed copy of
496 the proceedings. The board shall receive the record and make its
497 determination based solely on matters contained therein.

498 (2) Any individual aggrieved by the determination of the
499 board may appeal to the Circuit Court of the First Judicial
500 District of Hinds County, Mississippi, in accordance with the
501 Uniform Circuit Court Rules governing appeals to the circuit court
502 in civil cases. Such appeal shall be made solely on the record
503 before the board and this procedure shall be the exclusive method
504 of appealing determinations of the board.

505 (3) The board is authorized to appoint a committee of the
506 board to serve as hearing officer or to employ or contract with
507 qualified personnel to perform the duties of hearing officer and
508 court reporter as may be necessary for conducting, recording and
509 transcribing such hearings. The board may assess and collect fees
510 to offset costs related to such hearings. Those fees shall be
511 deposited to the credit of the Public Employees' Retirement
512 System.



513 (4) Interest shall not be paid on any benefits, including,
514 but not limited to, benefits that are delayed as a result of an
515 administrative determination or an appeal from an administrative
516 determination.

517 (5) The suspension of a member's retirement benefits from
518 the Public Employees' Retirement System under Section 25-11-147 or
519 from the Supplemental Legislative Retirement Plan under Section
520 25-11-321 shall not be considered an administrative determination
521 for which a hearing may be requested or held under this section.

522 **SECTION 5.** Section 25-11-129, Mississippi Code of 1972, is
523 amended as follows:

524 25-11-129. (1) The right of a person to an annuity, a
525 retirement allowance or benefit, or to the return of
526 contributions, or to any optional benefit or any other right
527 accrued or accruing to any person under the provisions of Articles
528 1 and 3, the system and the monies in the system created by * * *
529 those articles, are * * * exempt from any state, county or
530 municipal ad valorem taxes, income taxes, premium taxes, privilege
531 taxes, property taxes, sales and use taxes or other taxes not so
532 named, notwithstanding any other provision of law to the contrary,
533 and exempt from levy and sale, garnishment, attachment or any
534 other process whatsoever, and shall be unassignable except as
535 specifically otherwise provided in this article and except as
536 otherwise provided in subsection (2) of this section. The
537 suspension of a member's retirement benefits from the system under



538 Section 25-11-147 is not an attachment or assignment of the
539 member's retirement benefits for the purposes of this section.

540 (2) Any retired member or beneficiary receiving a retirement
541 allowance or benefit under this article may authorize the system
542 to make deductions from the retirement allowance or benefit for
543 the payment of employer or system sponsored group life or health
544 insurance. The deductions authorized under this subsection shall
545 be subject to rules and regulations adopted by the board.

546 **SECTION 6.** Section 25-11-309, Mississippi Code of 1972, is
547 amended as follows:

548 25-11-309. (1) The retirement allowance from the
549 Supplemental Legislative Retirement Plan shall consist of fifty
550 percent (50%) of an amount equal to the retirement allowance
551 determined by creditable service as an elected Senator or
552 Representative of the State Legislature or as President of the
553 Senate payable by the Public Employees' Retirement System in
554 accordance with Section 25-11-101 et seq.

555 (2) The percentage of the retirement allowance as provided
556 in this section shall be transferred from the annuity savings
557 account of the member and the employer accumulation account in the
558 Supplemental Legislative Retirement Plan to the retirement account
559 of the member in the Public Employees' Retirement System as
560 provided.

561 (3) (a) Notwithstanding any provisions of this section or
562 this title to the contrary, the maximum annual retirement



563 allowance attributable to the employer contributions payable under
564 the Supplemental Legislative Retirement Plan to a member shall be
565 subject to the limitations set forth in Section 415 of the
566 Internal Revenue Code and any regulations issued thereunder
567 applicable to governmental plans as the term is defined under
568 Section 414(d) of the Internal Revenue Code.

569 (b) The board is authorized to provide by rule or
570 regulation for the payment of benefits as provided under this
571 chapter to members or beneficiaries of the Supplemental
572 Legislative Retirement System at a time and under circumstances
573 not otherwise provided for in this chapter to the extent that the
574 payment is required to maintain the Supplemental Legislative
575 Retirement System as a qualified retirement plan for purposes of
576 federal income tax laws.

577 (4) (a) A retiree or beneficiary may, on a form prescribed
578 by and filed with the Executive Director of the Public Employees'
579 Retirement System, irrevocably waive all or a portion of any
580 benefits from the plan to which the retiree or beneficiary is
581 entitled under this article. The waiver shall be binding on the
582 heirs and assigns of any retiree or beneficiary and the same must
583 agree to forever hold harmless the plan and the Public Employees'
584 Retirement System from any claim to the waived retirement
585 benefits.

586 (b) Any waiver under this subsection shall apply only
587 to the person executing the waiver. A beneficiary shall be



588 entitled to benefits according to the option selected by the
589 member at the time of retirement; however, a beneficiary may
590 execute a waiver of benefits under this subsection.

591 (c) The plan shall retain all amounts that are not used
592 to pay benefits because of a waiver executed under this
593 subsection.

594 (d) The Board of Trustees of the Public Employees'
595 Retirement System may provide rules and regulations for the
596 administration of waivers under * * * this subsection.

597 (5) A member whose retirement benefits from the plan have
598 been suspended under Section 25-11-321 shall not be eligible to
599 receive a retirement allowance under this section during the
600 entire period of the suspension of the benefits.

601 **SECTION 7.** Section 25-11-319, Mississippi Code of 1972, is
602 amended as follows:

603 25-11-319. (1) The right of a person to an annuity, a
604 retirement allowance or benefit, or to the return of
605 contributions, or to any optional benefit or any other right
606 accrued or accruing to any person under the provisions of the
607 Supplemental Legislative Retirement Plan, and the monies in the
608 plan created by this article, are exempt from any state or
609 municipal tax, and exempt from levy and sale, garnishment,
610 attachment or any other process whatsoever, and shall be
611 unassignable except as specifically otherwise provided in this
612 article. The suspension of a member's retirement benefits from



613 the plan under Section 25-11-321 is not an attachment or
614 assignment of the member's retirement benefits for the purposes of
615 this section.

616 (2) Any retired member or beneficiary receiving a retirement
617 allowance or benefit under this article may authorize the system
618 to make deductions from the retirement allowance or benefit for
619 the payment of employer or system sponsored group life or health
620 insurance. The deductions authorized under this subsection shall
621 be subject to rules and regulations adopted by the board.

622 **SECTION 8.** This act shall take effect and be in force from
623 and after July 1, 2022.

