

By: Representative Currie

To: Appropriations A

HOUSE BILL NO. 567

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 OR A MEMBER OF THE  
4 SUPPLEMENTAL LEGISLATIVE RETIREMENT PLAN IS CONVICTED OF OR ENTERS  
5 A PLEA OF GUILTY OR NOLO CONTENDERE IN ANY COURT TO A FELONY IN  
6 WHICH PUBLIC FUNDS WERE UNLAWFULLY TAKEN, OBTAINED OR  
7 MISAPPROPRIATED IN THE ABUSE OR MISUSE OF THE PERSON'S OFFICE OR  
8 EMPLOYMENT THAT IS COMMITTED ON OR AFTER JULY 1, 2024, THE COURT  
9 SHALL CONDUCT A HEARING IN A SEPARATE CIVIL PROCEEDING TO  
10 DETERMINE IF ALL OF THE CONDITIONS HAVE BEEN MET; TO PROVIDE THAT  
11 IF ALL OF THE CONDITIONS HAVE BEEN MET, THE COURT SHALL ISSUE AN  
12 ORDER THAT THE MEMBER'S RETIREMENT BENEFITS FROM THE SYSTEM OR  
13 PLAN BE SUSPENDED; TO PROVIDE THAT A MEMBER WHO IS CONVICTED OF  
14 SUCH A FELONY SHALL NOT HAVE HIS OR HER RETIREMENT BENEFITS FROM  
15 THE SYSTEM OR PLAN SUSPENDED UNTIL ALL APPEALS OF THE CONVICTION  
16 HAVE BEEN FINALLY CONCLUDED OR THE TIME FOR AN APPEAL FROM THE  
17 CONVICTION HAS EXPIRED; TO PROVIDE THAT AFTER RECEIVING THE  
18 SUSPENSION ORDER FROM THE COURT, THE SYSTEM SHALL REQUEST THE  
19 ATTORNEY GENERAL FOR A DETERMINATION OF WHETHER ALL APPEALS OF THE  
20 CONVICTION HAVE BEEN FINALLY CONCLUDED OR THE TIME FOR AN APPEAL  
21 FROM THE CONVICTION HAS EXPIRED; TO PROVIDE THAT AFTER THE  
22 ATTORNEY GENERAL NOTIFIES THE SYSTEM THAT ALL APPEALS OF THE  
23 CONVICTION HAVE BEEN FINALLY CONCLUDED OR THE TIME FOR AN APPEAL  
24 FROM THE CONVICTION HAS EXPIRED, THE MEMBER'S RETIREMENT BENEFITS  
25 FROM THE SYSTEM OR PLAN SHALL BE SUSPENDED UNTIL THE MEMBER HAS  
26 MADE FULL RESTITUTION OF THE PUBLIC FUNDS THAT WERE UNLAWFULLY  
27 TAKEN, OBTAINED OR MISAPPROPRIATED IN THE ABUSE OR MISUSE OF THE  
28 MEMBER'S OFFICE OR EMPLOYMENT, AS DETERMINED BY THE ATTORNEY  
29 GENERAL; TO PROVIDE THAT IF A MEMBER OF THE SYSTEM OR PLAN IS ALSO  
30 A MEMBER OF ANOTHER RETIREMENT SYSTEM ADMINISTERED BY THE BOARD OF  
31 TRUSTEES OF THE SYSTEM, AND THE FELONY FOR WHICH THE MEMBER WAS  
32 CONVICTED OR ENTERED A PLEA OF GUILTY OR NOLO CONTENDERE WAS IN  
33 CONNECTION WITH THE MEMBER'S SERVICE THAT IS COVERED BY ONLY ONE  
34 OF THE RETIREMENT SYSTEMS, THE MEMBER'S RETIREMENT BENEFITS WILL



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

58 (2) A member's receipt of retirement benefits from the  
59 Public Employees' Retirement System is conditioned on the member's  
60 honest and faithful performance of his or her public duties for  
61 the state. A member's conviction of or plea of guilty or nolo  
62 contendere to a felony involving public funds is considered to be  
63 a breach of the public trust and a breach of the member's contract  
64 with the state.

65 (3) (a) If an active member of the system is convicted of  
66 or enters a plea of guilty or nolo contendere in any court of this



67 state to a felony involving public funds that is committed on or  
68 after July 1, 2024; or

69 (b) If a retired member of the system who is employed  
70 or elected under Section 25-11-127 is convicted of or enters a  
71 plea of guilty or nolo contendere in any court of this state to a  
72 felony involving public funds that is committed during the  
73 member's employment or election under Section 25-11-127 and is  
74 committed on or after July 1, 2024; or

75 (c) If a retired member of the system, or a member of  
76 the system who has withdrawn from service but is not receiving a  
77 retirement allowance from the system, is convicted of or enters a  
78 plea of guilty or nolo contendere in any court of this state to a  
79 felony involving public funds that was committed while the member  
80 was an active employee on or after July 1, 2024, the court shall  
81 conduct a hearing in a separate civil proceeding to determine if  
82 all of the conditions in this subsection have been met. The court  
83 shall provide notice of the hearing to the member and each person  
84 who is named as a beneficiary of the member in the records of the  
85 system. If, after the hearing, the court determines that all of  
86 the conditions in this subsection have been met, the court shall  
87 issue an order that the member's retirement benefits from the  
88 system be suspended as provided in this section. The court shall  
89 send a copy of its suspension order to the system.

90 (4) (a) If an active member of the system is convicted of  
91 or enters a plea of guilty or nolo contendere in a court of



92 another state or a federal court to a crime that would be a felony  
93 under the laws of this state if the crime were committed in this  
94 state, and that is a felony involving public funds and is  
95 committed on or after July 1, 2024; or

96 (b) If a retired member of the system who is employed  
97 or elected under Section 25-11-127 is convicted of or enters a  
98 plea of guilty or nolo contendere in a court of another state or a  
99 federal court to a crime that would be a felony under the laws of  
100 this state if the crime were committed in this state, and that is  
101 a felony involving public funds that is committed during the  
102 member's employment or election under Section 25-11-127 and is  
103 committed on or after July 1, 2024; or

104 (c) If a retired member of the system, or a member of  
105 the system who has withdrawn from service but is not receiving a  
106 retirement allowance from the system, is convicted of or enters a  
107 plea of guilty or nolo contendere in a court of another state or a  
108 federal court to a crime that would be a felony under the laws of  
109 this state if the crime were committed in this state, and that is  
110 a felony involving public funds that was committed while the  
111 member was an active employee on or after July 1, 2024, the  
112 Attorney General of Mississippi shall enter a motion in the  
113 circuit court of the county of residence of the member, or in the  
114 Circuit Court of the First Judicial District of Hinds County,  
115 Mississippi, if the member does not reside in Mississippi, for  
116 suspension of the member's retirement benefits from the system as



117 provided in this section. The court shall conduct a civil hearing  
118 to determine if all of the conditions in this subsection have been  
119 met. The court shall provide notice of the hearing to the member  
120 and each person who is named as a beneficiary of the member in the  
121 records of the system. If, after the hearing, the court  
122 determines that all of the conditions in this subsection have been  
123 met, the court shall issue an order that the member's retirement  
124 benefits from the system be suspended as provided in this section.  
125 The court shall send a copy of its suspension order to the system.

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

139 (6) (a) An active member, or a member of the system who has  
140 withdrawn from service but is not receiving a retirement allowance  
141 from the system, whose retirement benefits from the system have



142 been suspended shall not receive a retirement allowance or other  
143 retirement benefits from the system following the date that the  
144 system receives the notice from the Attorney General until the  
145 member has made full restitution of the public funds that were  
146 unlawfully taken, obtained or misappropriated in the abuse or  
147 misuse of the member's office or employment, as determined by the  
148 Attorney General.

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

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

164 (7) If a member of the system is also a member of another  
165 retirement system administered by the Board of Trustees of the  
166 Public Employees' Retirement System, and the felony involving



167 public funds for which the member was convicted or entered a plea  
168 of guilty or nolo contendere was in connection with the member's  
169 employment or election that is covered by only one (1) of the  
170 retirement systems, the member's retirement benefits will be  
171 suspended only from the retirement system in which his or her  
172 employment or election was covered at the time that he or she  
173 committed the felony. In the case of a retired member who is  
174 employed or elected under Section 25-11-127, the member's  
175 retirement benefits will be suspended only from the retirement  
176 system in which his or her employment or election would have been  
177 covered if the member had been an active member in the same  
178 employment or office at the time that he or she committed the  
179 felony.

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

189 (9) A member's retirement benefits from the system shall not  
190 be suspended unless there is a specific provision in this section  
191 applicable to the member's situation that requires the suspension



192 of the member's retirement benefits from the system. Any  
193 ambiguity or uncertainty about whether a member's retirement  
194 benefits from the system should be suspended shall be resolved in  
195 favor of the member.

196 **SECTION 2.** The following shall be codified as Section  
197 25-11-321, Mississippi Code of 1972:

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

203 (2) A member's receipt of retirement benefits from the  
204 Supplemental Legislative Retirement Plan is conditioned on the  
205 member's honest and faithful performance of his or her public  
206 duties for the State Legislature or as President of the Senate. A  
207 member's conviction of or plea of guilty or nolo contendere to a  
208 felony involving public funds is considered to be a breach of the  
209 public trust and a breach of the member's contract with the state.

210 (3) (a) If an active member of the plan is convicted of or  
211 enters a plea of guilty or nolo contendere in any court of this  
212 state to a felony involving public funds that is committed on or  
213 after July 1, 2024; or

214 (b) If a retired member of the plan, or a member of the  
215 plan who is not serving in the State Legislature or as President  
216 of the Senate but is not receiving a retirement allowance from the





217 plan, is convicted of or enters a plea of guilty or nolo  
218 contendere in any court of this state to a felony involving public  
219 funds that was committed while the member was serving in the State  
220 Legislature or as President of the Senate on or after July 1,  
221 2024, the court shall conduct a hearing in a separate civil  
222 proceeding to determine if all of the conditions in this  
223 subsection have been met. The court shall provide notice of the  
224 hearing to the member and each person who is named as a  
225 beneficiary of the member in the records of the system. If, after  
226 the hearing, the court determines that all of the conditions in  
227 this subsection have been met, the court shall issue an order that  
228 the member's retirement benefits from the plan be suspended as  
229 provided in this section. The court shall send a copy of its  
230 suspension order to the system.

231 (4) (a) If an active member of the plan is convicted of or  
232 enters a plea of guilty or nolo contendere in a court of another  
233 state or a federal court to a crime that would be a felony under  
234 the laws of this state if the crime were committed in this state,  
235 and that is a felony involving public funds and is committed on or  
236 after July 1, 2024; or

237 (b) If a retired member of the plan, or a member of the  
238 plan who is not serving in the State Legislature or as President  
239 of the Senate but is not receiving a retirement allowance from the  
240 plan, is convicted of or enters a plea of guilty or nolo  
241 contendere in a court of another state or a federal court to a



242 crime that would be a felony under the laws of this state if the  
243 crime were committed in this state, and that is a felony involving  
244 public funds that was committed while the member was serving in  
245 the State Legislature or as President of the Senate on or after  
246 July 1, 2024, the Attorney General of Mississippi shall enter a  
247 motion in the circuit court of the county of residence of the  
248 member, or in the Circuit Court of the First Judicial District of  
249 Hinds County, Mississippi, if the member does not reside in  
250 Mississippi, for suspension of the member's retirement benefits  
251 from the plan as provided in this section. The court shall  
252 conduct a civil hearing to determine if all of the conditions in  
253 this subsection have been met. The court shall provide notice of  
254 the hearing to the member and each person who is named as a  
255 beneficiary of the member in the records of the system. If, after  
256 the hearing, the court determines that all of the conditions in  
257 this subsection have been met, the court shall issue an order that  
258 the member's retirement benefits from the plan be suspended as  
259 provided in this section. The court shall send a copy of its  
260 suspension order to the system.

261 (5) A member who is convicted of a felony involving public  
262 funds shall not have his or her retirement benefits from the plan  
263 suspended until all appeals of the conviction have been finally  
264 concluded or the time for an appeal from the conviction has  
265 expired. Upon receipt of the suspension order from the court, the  
266 system shall request the Attorney General for a determination of



267 whether all appeals of the conviction have been finally concluded  
268 or the time for an appeal from the conviction has expired. After  
269 the Attorney General notifies the system that all appeals of the  
270 conviction have been finally concluded or the time for an appeal  
271 from the conviction has expired, the member's retirement benefits  
272 from the plan shall be suspended as provided in this section.

273 (6) (a) A member of the plan who is serving in the State  
274 Legislature or as President of the Senate, or a member of the plan  
275 who is not serving in the State Legislature or as President of the  
276 Senate but is not receiving a retirement allowance from the plan,  
277 whose retirement benefits from the plan have been suspended shall  
278 not receive a retirement allowance or other retirement benefits  
279 from the plan following the date that the system receives the  
280 notice from the Attorney General until the member has made full  
281 restitution of the public funds that were unlawfully taken,  
282 obtained or misappropriated in the abuse or misuse of the member's  
283 office or employment, as determined by the Attorney General.

284 (b) A retired member of the plan whose retirement  
285 benefits from the plan have been suspended shall have his or her  
286 retirement allowance suspended beginning on the first day of the  
287 month following the date that the system receives the notice from  
288 the Attorney General, and the member shall not receive any  
289 additional retirement benefits from the plan after that date until  
290 the member has made full restitution of the public funds that were  
291 unlawfully taken, obtained or misappropriated in the abuse or



292 misuse of the member's office or employment, as determined by the  
293 Attorney General.

294 (c) When a member's retirement benefits in the plan  
295 have been suspended under this section, the member shall forfeit  
296 all of the retirement benefits that the member otherwise would  
297 have been entitled to receive during the period that the benefits  
298 are suspended.

299 (7) If an active member of the plan, or a member of the plan  
300 who is not serving in the State Legislature or as President of the  
301 Senate but is not receiving a retirement allowance from the plan,  
302 has his or her retirement benefits from the plan suspended under  
303 this section, the member also will have his or her retirement  
304 benefits from the Public Employees' Retirement System suspended.  
305 If a retired member of the plan is an active or retired member of  
306 the Public Employees' Retirement System, or a member of the system  
307 who has withdrawn from service but is not receiving a retirement  
308 allowance from the system, whose retirement benefits from the  
309 system are suspended under Section 25-11-147, the member's  
310 retirement benefits from the plan will not be suspended if the  
311 felony involving public funds for which the member was convicted  
312 or entered a plea of guilty or nolo contendere was not in  
313 connection with the member's service with the State Legislature or  
314 as President of the Senate.

315 (8) The Public Employees' Retirement System may conclusively  
316 rely on a suspension order from the court and the notice from the



317 Attorney General that the requirements of this section have been  
318 met in suspending a member's retirement benefits from the plan  
319 under this section. The system is not liable for any mistake in  
320 the payment of retirement benefits under the plan to a member in  
321 good faith reliance on a suspension order from the court and the  
322 notice from the Attorney General, and a member who receives any  
323 such mistaken payments shall not be liable to repay those benefits  
324 to the plan.

325 (9) A member's retirement benefits from the plan shall not  
326 be suspended unless there is a specific provision in this section  
327 applicable to the member's situation that requires the suspension  
328 of the member's retirement benefits from the plan. Any ambiguity  
329 or uncertainty about whether a member's retirement benefits from  
330 the plan should be suspended shall be resolved in favor of the  
331 member.

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

334 25-11-111. (a) (1) Any member who became a member of the  
335 system before July 1, 2007, upon withdrawal from service upon or  
336 after attainment of the age of sixty (60) years who has completed  
337 at least four (4) years of membership service, or any member who  
338 became a member of the system before July 1, 2011, upon withdrawal  
339 from service regardless of age who has completed at least  
340 twenty-five (25) years of creditable service, shall be entitled to  
341 receive a retirement allowance, which shall begin on the first of



342 the month following the date the member's application for the  
343 allowance is received by the board, but in no event before  
344 withdrawal from service.

345 (2) Any member who became a member of the system on or  
346 after July 1, 2007, upon withdrawal from service upon or after  
347 attainment of the age of sixty (60) years who has completed at  
348 least eight (8) years of membership service, or any member who  
349 became a member of the system on or after July 1, 2011, upon  
350 withdrawal from service regardless of age who has completed at  
351 least thirty (30) years of creditable service, shall be entitled  
352 to receive a retirement allowance, which shall begin on the first  
353 of the month following the date the member's application for the  
354 allowance is received by the board, but in no event before  
355 withdrawal from service.

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



367           (2) Any member who became a member of the system on or  
368 after July 1, 2007, whose withdrawal from service occurs before  
369 attaining the age of sixty (60) years who has completed eight (8)  
370 or more years of membership service and has not received a refund  
371 of his accumulated contributions, shall be entitled to receive a  
372 retirement allowance, beginning upon his attaining the age of  
373 sixty (60) years, of the amount earned and accrued at the date of  
374 withdrawal from service. The retirement allowance shall begin on  
375 the first of the month following the date the member's application  
376 for the allowance is received by the board, but in no event before  
377 withdrawal from service.

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

389           (d) Any member who became a member of the system before July  
390 1, 2011, shall be entitled to an annual retirement allowance which  
391 shall consist of:



392 (1) A member's annuity, which shall be the actuarial  
393 equivalent of the accumulated contributions of the member at the  
394 time of retirement computed according to the actuarial table in  
395 use by the system; and

396 (2) An employer's annuity, which, together with the  
397 member's annuity provided above, shall be equal to two percent  
398 (2%) of the average compensation for each year of service up to  
399 and including twenty-five (25) years of creditable service, and  
400 two and one-half percent (2-1/2%) of the average compensation for  
401 each year of service exceeding twenty-five (25) years of  
402 creditable service.

403 (3) Any retired member or beneficiary thereof who was  
404 eligible to receive a retirement allowance before July 1, 1991,  
405 and who is still receiving a retirement allowance on July 1, 1992,  
406 shall receive an increase in the annual retirement allowance of  
407 the retired member equal to one-eighth of one percent (1/8 of 1%)  
408 of the average compensation for each year of state service in  
409 excess of twenty-five (25) years of membership service up to and  
410 including thirty (30) years. The maximum increase shall be  
411 five-eighths of one percent (5/8 of 1%). In no case shall a  
412 member who has been retired before July 1, 1987, receive less than  
413 Ten Dollars (\$10.00) per month for each year of creditable service  
414 and proportionately for each quarter year thereof. Persons  
415 retired on or after July 1, 1987, shall receive at least Ten  
416 Dollars (\$10.00) per month for each year of service and





417 proportionately for each quarter year thereof reduced for the  
418 option selected. However, such Ten Dollars (\$10.00) minimum per  
419 month for each year of creditable service shall not apply to a  
420 retirement allowance computed under Section 25-11-114 based on a  
421 percentage of the member's average compensation.

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

425 (1) A member's annuity, which shall be the actuarial  
426 equivalent of the accumulated contributions of the member at the  
427 time of retirement computed according to the actuarial table in  
428 use by the system; and

429 (2) An employer's annuity, which, together with the  
430 member's annuity provided above, shall be equal to two percent  
431 (2%) of the average compensation for each year of service up to  
432 and including thirty (30) years of creditable service, and two and  
433 one-half percent (2-1/2%) of average compensation for each year of  
434 service exceeding thirty (30) years of creditable service.

435 (f) Any member who became a member of the system on or after  
436 July 1, 2011, upon withdrawal from service upon or after attaining  
437 the age of sixty (60) years who has completed at least eight (8)  
438 years of membership service, or any such member upon withdrawal  
439 from service regardless of age who has completed at least thirty  
440 (30) years of creditable service, shall be entitled to receive a  
441 retirement allowance computed in accordance with the formula set



442 forth in subsection (e) of this section. In the case of the  
443 retirement of any member who has attained age sixty (60) but who  
444 has not completed at least thirty (30) years of creditable  
445 service, the retirement allowance shall be computed in accordance  
446 with the formula set forth in subsection (e) of this section  
447 except that the total annual retirement allowance shall be reduced  
448 by an actuarial equivalent factor for each year of creditable  
449 service below thirty (30) years or the number of years in age that  
450 the member is below age sixty-five (65), whichever is less.

451 (g) No member, except members excluded by the Age  
452 Discrimination in Employment Act Amendments of 1986 (Public Law  
453 99-592), under either Article 1 or Article 3 in state service  
454 shall be required to retire because of age.

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

458 (i) (1) A retiree or beneficiary may, on a form prescribed  
459 by and filed with the retirement system, irrevocably waive all or  
460 a portion of any benefits from the retirement system to which the  
461 retiree or beneficiary is entitled. The waiver shall be binding  
462 on the heirs and assigns of any retiree or beneficiary and the  
463 same must agree to forever hold harmless the Public Employees'  
464 Retirement System of Mississippi from any claim to the waived  
465 retirement benefits.



466 (2) Any waiver under this subsection shall apply only  
467 to the person executing the waiver. A beneficiary shall be  
468 entitled to benefits according to the option selected by the  
469 member at the time of retirement. However, a beneficiary may, at  
470 the option of the beneficiary, execute a waiver of benefits under  
471 this subsection.

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

475 (4) The board of trustees may provide rules and  
476 regulations for the administration of waivers under this  
477 subsection.

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

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

484 25-11-120. (1) Any individual aggrieved by an  
485 administrative determination, including a determination of the  
486 medical board, relating to the eligibility for or payment of  
487 benefits, or the calculation of creditable service or other  
488 similar matters relating to the Public Employees' Retirement  
489 System or any other retirement system or program administered by  
490 the board, may request a hearing before a hearing officer



491 designated by the board. Such hearings shall be conducted in  
492 accordance with rules and regulations adopted by the board and  
493 formal rules of evidence shall not apply. The hearing officer is  
494 authorized to administer oaths, hear testimony of witnesses and  
495 receive documentary and other evidence. In case of disability  
496 appeals, the hearing officer shall have the authority to defer a  
497 decision in order to request a medical evaluation or test or  
498 additional existing medical records not previously furnished by  
499 the claimant. After the hearing and the receipt of any additional  
500 medical evidence requested by the hearing officer, the hearing  
501 officer shall certify the record to the board, which shall include  
502 the hearing officer's proposed statement of facts, conclusions of  
503 law and recommendation. The record may include a taped recording  
504 of the proceedings of the hearing in lieu of a transcribed copy of  
505 the proceedings. The board shall receive the record and make its  
506 determination based solely on matters contained therein.

507 (2) Any individual aggrieved by the determination of the  
508 board may appeal to the Circuit Court of the First Judicial  
509 District of Hinds County, Mississippi, in accordance with the  
510 Uniform Circuit Court Rules governing appeals to the circuit court  
511 in civil cases. Such appeal shall be made solely on the record  
512 before the board and this procedure shall be the exclusive method  
513 of appealing determinations of the board.

514 (3) The board is authorized to appoint a committee of the  
515 board to serve as hearing officer or to employ or contract with



516 qualified personnel to perform the duties of hearing officer and  
517 court reporter as may be necessary for conducting, recording and  
518 transcribing such hearings. The board may assess and collect fees  
519 to offset costs related to such hearings. Those fees shall be  
520 deposited to the credit of the Public Employees' Retirement  
521 System.

522 (4) Interest shall not be paid on any benefits, including,  
523 but not limited to, benefits that are delayed as a result of an  
524 administrative determination or an appeal from an administrative  
525 determination.

526 (5) The suspension of a member's retirement benefits from  
527 the Public Employees' Retirement System under Section 25-11-147 or  
528 from the Supplemental Legislative Retirement Plan under Section  
529 25-11-321 shall not be considered an administrative determination  
530 for which a hearing may be requested or held under this section.

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

533 25-11-129. (1) The right of a person to an annuity, a  
534 retirement allowance or benefit, or to the return of  
535 contributions, or to any optional benefit or any other right  
536 accrued or accruing to any person under the provisions of Articles  
537 1 and 3, the system and the monies in the system created by \* \* \*  
538 those articles, are \* \* \* exempt from any state, county or  
539 municipal ad valorem taxes, income taxes, premium taxes, privilege  
540 taxes, property taxes, sales and use taxes or other taxes not so



541 named, notwithstanding any other provision of law to the contrary,  
542 and exempt from levy and sale, garnishment, attachment or any  
543 other process whatsoever, and shall be unassignable except as  
544 specifically otherwise provided in this article and except as  
545 otherwise provided in subsection (2) of this section. The  
546 suspension of a member's retirement benefits from the system under  
547 Section 25-11-147 is not an attachment or assignment of the  
548 member's retirement benefits for the purposes of this section.

549 (2) Any retired member or beneficiary receiving a retirement  
550 allowance or benefit under this article may authorize the system  
551 to make deductions from the retirement allowance or benefit for  
552 the payment of employer or system sponsored group life or health  
553 insurance. The deductions authorized under this subsection shall  
554 be subject to rules and regulations adopted by the board.

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

557 25-11-309. (1) The retirement allowance from the  
558 Supplemental Legislative Retirement Plan shall consist of fifty  
559 percent (50%) of an amount equal to the retirement allowance  
560 determined by creditable service as an elected Senator or  
561 Representative of the State Legislature or as President of the  
562 Senate payable by the Public Employees' Retirement System in  
563 accordance with Section 25-11-101 et seq.

564 (2) The percentage of the retirement allowance as provided  
565 in this section shall be transferred from the annuity savings



566 account of the member and the employer accumulation account in the  
567 Supplemental Legislative Retirement Plan to the retirement account  
568 of the member in the Public Employees' Retirement System as  
569 provided.

570 (3) (a) Notwithstanding any provisions of this section or  
571 this title to the contrary, the maximum annual retirement  
572 allowance attributable to the employer contributions payable under  
573 the Supplemental Legislative Retirement Plan to a member shall be  
574 subject to the limitations set forth in Section 415 of the  
575 Internal Revenue Code and any regulations issued thereunder  
576 applicable to governmental plans as the term is defined under  
577 Section 414(d) of the Internal Revenue Code.

578 (b) The board is authorized to provide by rule or  
579 regulation for the payment of benefits as provided under this  
580 chapter to members or beneficiaries of the Supplemental  
581 Legislative Retirement System at a time and under circumstances  
582 not otherwise provided for in this chapter to the extent that the  
583 payment is required to maintain the Supplemental Legislative  
584 Retirement System as a qualified retirement plan for purposes of  
585 federal income tax laws.

586 (4) (a) A retiree or beneficiary may, on a form prescribed  
587 by and filed with the Executive Director of the Public Employees'  
588 Retirement System, irrevocably waive all or a portion of any  
589 benefits from the plan to which the retiree or beneficiary is  
590 entitled under this article. The waiver shall be binding on the



591 heirs and assigns of any retiree or beneficiary and the same must  
592 agree to forever hold harmless the plan and the Public Employees'  
593 Retirement System from any claim to the waived retirement  
594 benefits.

595 (b) Any waiver under this subsection shall apply only  
596 to the person executing the waiver. A beneficiary shall be  
597 entitled to benefits according to the option selected by the  
598 member at the time of retirement; however, a beneficiary may  
599 execute a waiver of benefits under this subsection.

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

603 (d) The Board of Trustees of the Public Employees'  
604 Retirement System may provide rules and regulations for the  
605 administration of waivers under \* \* \* this subsection.

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

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

612 25-11-319. (1) The right of a person to an annuity, a  
613 retirement allowance or benefit, or to the return of  
614 contributions, or to any optional benefit or any other right  
615 accrued or accruing to any person under the provisions of the





616 Supplemental Legislative Retirement Plan, and the monies in the  
617 plan created by this article, are exempt from any state or  
618 municipal tax, and exempt from levy and sale, garnishment,  
619 attachment or any other process whatsoever, and shall be  
620 unassignable except as specifically otherwise provided in this  
621 article. The suspension of a member's retirement benefits from  
622 the plan under Section 25-11-321 is not an attachment or  
623 assignment of the member's retirement benefits for the purposes of  
624 this section.

625 (2) Any retired member or beneficiary receiving a retirement  
626 allowance or benefit under this article may authorize the system  
627 to make deductions from the retirement allowance or benefit for  
628 the payment of employer or system sponsored group life or health  
629 insurance. The deductions authorized under this subsection shall  
630 be subject to rules and regulations adopted by the board.

631 **SECTION 8.** This act shall take effect and be in force from  
632 and after July 1, 2024.

