

## **Senate Amendments to House Bill No. 1618**

**TO THE CLERK OF THE HOUSE:**

**THIS IS TO INFORM YOU THAT THE SENATE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:**

### **AMENDMENT NO. 1**

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

53           **SECTION 1.** Section 25-11-5, Mississippi Code of 1972, is  
54 amended as follows:

55           25-11-5. For the purposes of this article:

56           (a) The term "wages" means all remuneration for  
57 employment as defined herein, including the cash value of all  
58 remuneration paid in any medium other than cash, except that such  
59 term shall not include that part of such remuneration which, even  
60 if it were for "employment" within the meaning of the Federal  
61 Insurance Contributions Act, would not constitute "wages" within  
62 the meaning of that act. The amount by which an eligible  
63 employee's salary is reduced pursuant to a salary reduction  
64 agreement authorized under Section 25-17-5 shall be excluded from  
65 the term "wages," provided such exclusion does not conflict with  
66 federal law, including federal regulations and federal  
67 administrative interpretations thereunder, pertaining to the  
68 Federal Insurance Contributions Act or to Internal Revenue Code  
69 Section 125 cafeteria plans. If any salary reduction amounts

70 excluded from "wages" under the prior sentence are determined to  
71 be "wages" by the Social Security Administration or the Internal  
72 Revenue Service and payroll tax deficiencies are assessed, the  
73 deficiencies shall be borne by the eligible employee and the  
74 adopting state agency or local governmental entity and not by the  
75 Public Employees' Retirement System of Mississippi as state  
76 administrator.

77 (b) The term "employment" means any service performed  
78 by an employee in the employ of the state, any political  
79 subdivision thereof, or any instrumentality of either for such  
80 employer, except (i) service which in the absence of an agreement  
81 entered into under this article would constitute "employment" as  
82 defined in the Social Security Act; or (ii) service which under  
83 applicable federal law may not be included in an agreement between  
84 the state and the Secretary of Health, Education and Welfare  
85 entered into under this article; or (iii) service in positions  
86 covered by a retirement system established by the state or by a  
87 political subdivision or an instrumentality of either on the date  
88 the agreement referred to in Section 25-11-7 or any modification  
89 of such agreement is made applicable to the coverage group (as  
90 defined in Section 218(b) (5) of the Social Security Act) to which  
91 the employee performing such services belongs. Service which  
92 under the Social Security Act may be included in an agreement only  
93 upon certification by the Governor in accordance with Section  
94 218(d) (3) of that act shall be included in the term "employment"  
95 if and when the Governor issues, with respect to such service, a

96 certificate to the Secretary of Health, Education and Welfare  
97 pursuant to Section 25-11-11(5) of this article.

98 Services, the compensation for which is on a fee basis, may,  
99 to the extent permitted by applicable federal law, be excluded in  
100 any plan or agreement approved under or authorized by this  
101 article.

102 (c) The term "employee," in addition to its usual  
103 meaning, includes an officer of a state, a political subdivision  
104 thereof, or an instrumentality of either, and all school  
105 employees.

106 (d) The term "board" means the Board of Trustees of the  
107 Public Employees' Retirement System of Mississippi as provided by  
108 Section 25-11-15 of this article.

109 (e) The term "Secretary of Health, Education and  
110 Welfare" includes any individual to whom the Secretary of Health,  
111 Education and Welfare has delegated any functions under the Social  
112 Security Act with respect to coverage under such act of employees  
113 of states and their political subdivisions and, with respect to  
114 any action taken prior to April 11, 1953, includes the federal  
115 security administrator or any individual to whom he had delegated  
116 any such function.

117 (f) The term "political subdivision" includes any  
118 county, municipality, or other political subdivision within the  
119 State of Mississippi to which has been delegated certain functions  
120 of local government, and employees thereof who are eligible to

121 become a coverage group under the terms of the Social Security  
122 Act.

123 (g) The term "instrumentality," when referring to an  
124 instrumentality of the state or political subdivision, includes  
125 only a juristic entity which is legally separate and distinct from  
126 the state or such subdivision and whose employees are not by  
127 virtue of their relation to such entity employees of the state or  
128 such subdivision. A health care collaborative or other  
129 organization formed pursuant to Sections 37-115-50 through  
130 37-115-50.3 shall be considered an instrumentality of the state.

131 (h) The term "applicable federal law" refers to such  
132 provisions of federal law (including federal regulations and  
133 requirements issued pursuant thereto), as provide for extending  
134 the benefits of Title II of the Social Security Act to employees  
135 of states, political subdivisions, and their instrumentalities.

136 (i) The term "Social Security Act" means the Act of  
137 Congress approved August 14, 1935, Chapter 531, 49 Stat 620,  
138 officially cited as "The Social Security Act," as such act has  
139 been and may from time to time be amended.

140 (j) The term "Federal Insurance Contribution Act" means  
141 subchapter A of Chapter 9 of the Federal Internal Revenue Code of  
142 1939 and subchapters A and B of Chapter 21 of the Federal Internal  
143 Revenue Code of 1954, as such Codes have been and may from time to  
144 time be amended; and the term "employee tax" means the tax imposed  
145 by Section 1400 of such Code of 1939 and Section 3101 of such Code  
146 of 1954.

147           **SECTION 2.** Section 25-11-103, Mississippi Code of 1972, is  
148 amended as follows:

149           25-11-103. (1) The following words and phrases as used in  
150 Articles 1 and 3, unless a different meaning is plainly required  
151 by the context, have the following meanings:

152           (a) "Accumulated contributions" means the sum of all  
153 the amounts deducted from the compensation of a member and  
154 credited to his or her individual account in the annuity savings  
155 account, together with regular interest as provided in Section  
156 25-11-123.

157           (b) "Actuarial cost" means the amount of funds  
158 presently required to provide future benefits as determined by the  
159 board based on applicable tables and formulas provided by the  
160 actuary.

161           (c) "Actuarial equivalent" means a benefit of equal  
162 value to the accumulated contributions, annuity or benefit, as the  
163 case may be, when computed upon the basis of such mortality tables  
164 as adopted by the board of trustees, and regular interest.

165           (d) "Actuarial tables" mean such tables of mortality  
166 and rates of interest as adopted by the board in accordance with  
167 the recommendation of the actuary.

168           (e) "Agency" means any governmental body employing  
169 persons in the state service.

170           (f) "Average compensation" means the average of the  
171 four (4) highest years of earned compensation reported for an  
172 employee in a fiscal or calendar year period, or combination

173 thereof that do not overlap, or the last forty-eight (48)  
174 consecutive months of earned compensation reported for an  
175 employee. The four (4) years need not be successive or joined  
176 years of service. In computing the average compensation for  
177 retirement, disability or survivor benefits, any amount lawfully  
178 paid in a lump sum for personal leave or major medical leave shall  
179 be included in the calculation to the extent that the amount does  
180 not exceed an amount that is equal to thirty (30) days of earned  
181 compensation and to the extent that it does not cause the  
182 employee's earned compensation to exceed the maximum reportable  
183 amount specified in paragraph (k) of this subsection; however,  
184 this thirty-day limitation shall not prevent the inclusion in the  
185 calculation of leave earned under federal regulations before July  
186 1, 1976, and frozen as of that date as referred to in Section  
187 25-3-99. In computing the average compensation, no amounts shall  
188 be used that are in excess of the amount on which contributions  
189 were required and paid, and no nontaxable amounts paid by the  
190 employer for health or life insurance premiums for the employee  
191 shall be used. If any member who is or has been granted any  
192 increase in annual salary or compensation of more than eight  
193 percent (8%) retires within twenty-four (24) months from the date  
194 that the increase becomes effective, then the board shall exclude  
195 that part of the increase in salary or compensation that exceeds  
196 eight percent (8%) in calculating that member's average  
197 compensation for retirement purposes. The board may enforce this  
198 provision by rule or regulation. However, increases in

199 compensation in excess of eight percent (8%) per year granted  
200 within twenty-four (24) months of the date of retirement may be  
201 included in the calculation of average compensation if  
202 satisfactory proof is presented to the board showing that the  
203 increase in compensation was the result of an actual change in the  
204 position held or services rendered, or that the compensation  
205 increase was authorized by the State Personnel Board or was  
206 increased as a result of statutory enactment, and the employer  
207 furnishes an affidavit stating that the increase granted within  
208 the last twenty-four (24) months was not contingent on a promise  
209 or agreement of the employee to retire. Nothing in Section  
210 25-3-31 shall affect the calculation of the average compensation  
211 of any member for the purposes of this article. The average  
212 compensation of any member who retires before July 1, 1992, shall  
213 not exceed the annual salary of the Governor.

214 (g) "Beneficiary" means any person entitled to receive  
215 a retirement allowance, an annuity or other benefit as provided by  
216 Articles 1 and 3. The term "beneficiary" may also include an  
217 organization, estate, trust or entity; however, a beneficiary  
218 designated or entitled to receive monthly payments under an  
219 optional settlement based on life contingency or under a statutory  
220 monthly benefit may only be a natural person. In the event of the  
221 death before retirement of any member who became a member of the  
222 system before July 1, 2007, and whose spouse and/or children are  
223 not entitled to a retirement allowance on the basis that the  
224 member has less than four (4) years of membership service credit,

225 or who became a member of the system on or after July 1, 2007, and  
226 whose spouse and/or children are not entitled to a retirement  
227 allowance on the basis that the member has less than eight (8)  
228 years of membership service credit, and/or has not been married  
229 for a minimum of one (1) year or the spouse has waived his or her  
230 entitlement to a retirement allowance under Section 25-11-114, the  
231 lawful spouse of a member at the time of the death of the member  
232 shall be the beneficiary of the member unless the member has  
233 designated another beneficiary after the date of marriage in  
234 writing, and filed that writing in the office of the executive  
235 director of the board of trustees. No designation or change of  
236 beneficiary shall be made in any other manner.

237 (h) "Board" means the board of trustees provided in  
238 Section 25-11-15 to administer the retirement system created under  
239 this article.

240 (i) "Creditable service" means "prior service,"  
241 "retroactive service" and all lawfully credited unused leave not  
242 exceeding the accrual rates and limitations provided in Section  
243 25-3-91 et seq., as of the date of withdrawal from service plus  
244 "membership service" and other service for which credit is  
245 allowable as provided in Section 25-11-109. Except to limit  
246 creditable service reported to the system for the purpose of  
247 computing an employee's retirement allowance or annuity or  
248 benefits provided in this article, nothing in this paragraph shall  
249 limit or otherwise restrict the power of the governing authority



250 of a municipality or other political subdivision of the state to  
251 adopt such vacation and sick leave policies as it deems necessary.

252 (j) "Child" means either a natural child of the member,  
253 a child that has been made a child of the member by applicable  
254 court action before the death of the member, or a child under the  
255 permanent care of the member at the time of the latter's death,  
256 which permanent care status shall be determined by evidence  
257 satisfactory to the board. For purposes of this paragraph, a  
258 natural child of the member is a child of the member that is  
259 conceived before the death of the member.

260 (k) "Earned compensation" means the full amount earned  
261 during a fiscal year by an employee not to exceed the employee  
262 compensation limit set pursuant to Section 401(a)(17) of the  
263 Internal Revenue Code for the calendar year in which the fiscal  
264 year begins and proportionately for less than one (1) year of  
265 service. Except as otherwise provided in this paragraph, the  
266 value of maintenance furnished to an employee shall not be  
267 included in earned compensation. Earned compensation shall not  
268 include any amounts paid by the employer for health or life  
269 insurance premiums for an employee. Earned compensation shall be  
270 limited to the regular periodic compensation paid, exclusive of  
271 litigation fees, bond fees, performance-based incentive payments,  
272 and other similar extraordinary nonrecurring payments. In  
273 addition, any member in a covered position, as defined by Public  
274 Employees' Retirement System laws and regulations, who is also  
275 employed by another covered agency or political subdivision shall

276 have the earnings of that additional employment reported to the  
277 Public Employees' Retirement System regardless of whether the  
278 additional employment is sufficient in itself to be a covered  
279 position. In addition, computation of earned compensation shall  
280 be governed by the following:

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

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

289 (iii) In the case of members of the State  
290 Legislature, all remuneration or amounts paid, except mileage  
291 allowance, shall apply.

292 (iv) The amount by which an eligible employee's  
293 salary is reduced under a salary reduction agreement authorized  
294 under Section 25-17-5 shall be included as earned compensation  
295 under this paragraph, provided this inclusion does not conflict  
296 with federal law, including federal regulations and federal  
297 administrative interpretations under the federal law, pertaining  
298 to the Federal Insurance Contributions Act or to Internal Revenue  
299 Code Section 125 cafeteria plans.

300 (v) Compensation in addition to an employee's base  
301 salary that is paid to the employee under the vacation and sick

302 leave policies of a municipality or other political subdivision of  
303 the state that employs him or her that exceeds the maximums  
304 authorized by Section 25-3-91 et seq. shall be excluded from the  
305 calculation of earned compensation under this article.

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

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

311 (viii) The value of maintenance furnished to an  
312 employee before July 1, 2013, for which the proper amount of  
313 employer and employee contributions have been paid, shall be  
314 included in earned compensation. From and after July 1, 2013, the  
315 value of maintenance furnished to an employee shall be reported as  
316 earned compensation only if the proper amount of employer and  
317 employee contributions have been paid on the maintenance and the  
318 employee was receiving maintenance and having maintenance reported  
319 to the system as of June 30, 2013. The value of maintenance when  
320 not paid in money shall be fixed by the employing state agency,  
321 and, in case of doubt, by the board of trustees as defined in  
322 Section 25-11-15.

323 (ix) Except as otherwise provided in this  
324 paragraph, the value of any in-kind benefits provided by the  
325 employer shall not be included in earned compensation. As used in  
326 this subparagraph, "in-kind benefits" shall include, but not be  
327 limited to, group life insurance premiums, health or dental

328 insurance premiums, nonpaid major medical and personal leave,  
329 employer contributions for social security and retirement, tuition  
330 reimbursement or educational funding, day care or transportation  
331 benefits.

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

335 (m) "Employer" means the State of Mississippi or any of  
336 its departments, agencies or subdivisions from which any employee  
337 receives his or her compensation.

338 (n) "Executive director" means the secretary to the  
339 board of trustees, as provided in Section 25-11-15(9), and the  
340 administrator of the Public Employees' Retirement System and all  
341 systems under the management of the board of trustees. Wherever  
342 the term "Executive Secretary of the Public Employees' Retirement  
343 System" or "executive secretary" appears in this article or in any  
344 other provision of law, it shall be construed to mean the  
345 Executive Director of the Public Employees' Retirement System.

346 (o) "Fiscal year" means the period beginning on July 1  
347 of any year and ending on June 30 of the next succeeding year.

348 (p) "Medical board" means the board of physicians or  
349 any governmental or nongovernmental disability determination  
350 service designated by the board of trustees that is qualified to  
351 make disability determinations as provided for in Section  
352 25-11-119.

353           (q) "Member" means any person included in the  
354 membership of the system as provided in Section 25-11-105. For  
355 purposes of Sections 25-11-103, 25-11-105, 25-11-109, 25-11-111,  
356 25-11-113, 25-11-114, 25-11-115 and 25-11-117, if a member of the  
357 system withdrew from state service and received a refund of the  
358 amount of the accumulated contributions to the credit of the  
359 member in the annuity savings account before July 1, 2007, and the  
360 person reenters state service and becomes a member of the system  
361 again on or after July 1, 2007, and repays all or part of the  
362 amount received as a refund and interest in order to receive  
363 creditable service for service rendered before July 1, 2007, the  
364 member shall be considered to have become a member of the system  
365 on or after July 1, 2007, subject to the eight-year membership  
366 service requirement, as applicable in those sections. For  
367 purposes of Sections 25-11-103, 25-11-111, 25-11-114 and  
368 25-11-115, if a member of the system withdrew from state service  
369 and received a refund of the amount of the accumulated  
370 contributions to the credit of the member in the annuity savings  
371 account before July 1, 2011, and the person reenters state service  
372 and becomes a member of the system again on or after July 1, 2011,  
373 and repays all or part of the amount received as a refund and  
374 interest in order to receive creditable service for service  
375 rendered before July 1, 2011, the member shall be considered to  
376 have become a member of the system on or after July 1, 2011.

377           (r) "Membership service" means service as an employee  
378 in a covered position rendered while a contributing member of the  
379 retirement system.

380           (s) "Position" means any office or any employment in  
381 the state service, or two (2) or more of them, the duties of which  
382 call for services to be rendered by one (1) person, including  
383 positions jointly employed by federal and state agencies  
384 administering federal and state funds. The employer shall  
385 determine upon initial employment and during the course of  
386 employment of an employee who does not meet the criteria for  
387 coverage in the Public Employees' Retirement System based on the  
388 position held, whether the employee is or becomes eligible for  
389 coverage in the Public Employees' Retirement System based upon any  
390 other employment in a covered agency or political subdivision. If  
391 or when the employee meets the eligibility criteria for coverage  
392 in the other position, then the employer must withhold  
393 contributions and report wages from the noncovered position in  
394 accordance with the provisions for reporting of earned  
395 compensation. Failure to deduct and report those contributions  
396 shall not relieve the employee or employer of liability thereof.  
397 The board shall adopt such rules and regulations as necessary to  
398 implement and enforce this provision.

399           (t) "Prior service" means:

400           (i) For persons who became members of the system  
401 before July 1, 2007, service rendered before February 1, 1953, for  
402 which credit is allowable under Sections 25-11-105 and 25-11-109,

403 and which shall allow prior service for any person who is now or  
404 becomes a member of the Public Employees' Retirement System and  
405 who does contribute to the system for a minimum period of four (4)  
406 years.

407                   (ii) For persons who became members of the system  
408 on or after July 1, 2007, service rendered before February 1,  
409 1953, for which credit is allowable under Sections 25-11-105 and  
410 25-11-109, and which shall allow prior service for any person who  
411 is now or becomes a member of the Public Employees' Retirement  
412 System and who does contribute to the system for a minimum period  
413 of eight (8) years.

414                   (u) "Regular interest" means interest compounded  
415 annually at such a rate as determined by the board in accordance  
416 with Section 25-11-121.

417                   (v) "Retirement allowance" means an annuity for life as  
418 provided in this article, payable each year in twelve (12) equal  
419 monthly installments beginning as of the date fixed by the board.  
420 The retirement allowance shall be calculated in accordance with  
421 Section 25-11-111. However, any spouse who received a spouse  
422 retirement benefit in accordance with Section 25-11-111(d) before  
423 March 31, 1971, and those benefits were terminated because of  
424 eligibility for a social security benefit, may again receive his  
425 or her spouse retirement benefit from and after making application  
426 with the board of trustees to reinstate the spouse retirement  
427 benefit.

428           (w) "Retroactive service" means service rendered after  
429 February 1, 1953, for which credit is allowable under Section  
430 25-11-105(b) and Section 25-11-105(k).

431           (x) "System" means the Public Employees' Retirement  
432 System of Mississippi established and described in Section  
433 25-11-101.

434           (y) "State" means the State of Mississippi or any  
435 political subdivision thereof or instrumentality of the state.

436           (z) "State service" means all offices and positions of  
437 trust or employment in the employ of the state, or any political  
438 subdivision or instrumentality of the state, that elect to  
439 participate as provided by Section 25-11-105(f), including the  
440 position of elected or fee officials of the counties and their  
441 deputies and employees performing public services or any  
442 department, independent agency, board or commission thereof, and  
443 also includes all offices and positions of trust or employment in  
444 the employ of joint state and federal agencies administering state  
445 and federal funds and service rendered by employees of the public  
446 schools. Effective July 1, 1973, all nonprofessional public  
447 school employees, such as bus drivers, janitors, maids,  
448 maintenance workers and cafeteria employees, shall have the option  
449 to become members in accordance with Section 25-11-105(b), and  
450 shall be eligible to receive credit for services before July 1,  
451 1973, provided that the contributions and interest are paid by the  
452 employee in accordance with that section; in addition, the county  
453 or municipal separate school district may pay the employer



454 contribution and pro rata share of interest of the retroactive  
455 service from available funds. "State service" shall not include  
456 the President of the Mississippi Lottery Corporation and personnel  
457 employed by the Mississippi Lottery Corporation. From and after  
458 July 1, 1998, retroactive service credit shall be purchased at the  
459 actuarial cost in accordance with Section 25-11-105(b).

460 (aa) "Withdrawal from service" or "termination from  
461 service" means complete severance of employment in the state  
462 service of any member by resignation, dismissal or discharge.

463 (bb) The masculine pronoun, wherever used, includes the  
464 feminine pronoun.

465 (2) For purposes of this article, the term "political  
466 subdivision" shall have the meaning ascribed to such term in  
467 Section 25-11-5 and shall also include public charter schools.

468 (3) For purposes of this article, the term "instrumentality"  
469 shall have the meaning as defined in Section 25-11-5, and  
470 membership in the system shall not extend to any person employed  
471 by or paid for any service by a health care collaborative or other  
472 organization formed pursuant to Sections 37-115-50 through  
473 37-115-50.3, unless the health care collaborative or other  
474 organization elects to participate in the system, as provided for  
475 by Section 25-11-105(f). Notwithstanding the foregoing and any  
476 other provision of law to the contrary, any health care  
477 collaborative formed pursuant to Sections 37-115-50 through  
478 37-115-50.3 shall not enroll new employees from and after the  
479 effective date of this act.

480           **SECTION 3.** Section 25-11-127, Mississippi Code of 1972, is  
481 amended as follows:

482           25-11-127. (1) (a) No person who is being paid a  
483 retirement allowance or a pension after retirement under this  
484 article shall be employed or paid for any service by the State of  
485 Mississippi, including services as an employee, contract worker,  
486 contractual employee or independent contractor, until the retired  
487 person has been retired for not less than ninety (90) consecutive  
488 days from his or her effective date of retirement. After the  
489 person has been retired for not less than ninety (90) consecutive  
490 days from his or her effective date of retirement or such later  
491 date as established by the board, he or she may be reemployed  
492 while being paid a retirement allowance under the terms and  
493 conditions provided in this section or in Section 25-11-126.

494           (b) No retiree of this retirement system who is  
495 reemployed or is reelected to office after retirement shall  
496 continue to draw retirement benefits while so reemployed, except  
497 as provided in this section or in Section 25-11-126.

498           (c) No person employed or elected under the exceptions  
499 provided for in this section shall become a member under Article 3  
500 of the retirement system.

501           (2) Except as otherwise provided in Section 25-11-126, any  
502 person who has been retired under the provisions of Article 3 and  
503 who is later reemployed in service covered by this article shall  
504 cease to receive benefits under this article and shall again  
505 become a contributing member of the retirement system. When the

506 person retires again, if the reemployment exceeds six (6) months,  
507 the person shall have his or her benefit recomputed, including  
508 service after again becoming a member, provided that the total  
509 retirement allowance paid to the retired member in his or her  
510 previous retirement shall be deducted from the member's retirement  
511 reserve and taken into consideration in recalculating the  
512 retirement allowance under a new option selected.

513 (3) The board shall have the right to prescribe rules and  
514 regulations for carrying out the provisions of this section.

515 (4) The provisions of this section shall not be construed to  
516 prohibit any retiree, regardless of age, from being employed and  
517 drawing a retirement allowance either:

518 (a) For a period of time not to exceed one-half (1/2)  
519 of the normal working days for the position in any fiscal year  
520 during which the retiree will receive no more than one-half (1/2)  
521 of the salary in effect for the position at the time of  
522 employment, or

523 (b) For a period of time in any fiscal year sufficient  
524 in length to permit a retiree to earn not in excess of twenty-five  
525 percent (25%) of retiree's average compensation.

526 To determine the normal working days for a position under  
527 paragraph (a) of this subsection, the employer shall determine the  
528 required number of working days for the position on a full-time  
529 basis and the equivalent number of hours representing the  
530 full-time position. The retiree then may work up to one-half  
531 (1/2) of the required number of working days or up to one-half

532 (1/2) of the equivalent number of hours and receive up to one-half  
533 (1/2) of the salary for the position. In the case of employment  
534 with multiple employers, the limitation shall equal one-half (1/2)  
535 of the number of days or hours for a single full-time position.

536 Notice shall be given in writing to the executive director,  
537 setting forth the facts upon which the employment is being made,  
538 and the notice shall be given within five (5) days from the date  
539 of employment and also from the date of termination of the  
540 employment.

541 (5) Except as otherwise provided in subsection (6) of this  
542 section, the employer of any person who is receiving a retirement  
543 allowance and who is employed in service covered by subsection (4)  
544 of this section as an employee or a contractual employee shall pay  
545 to the board the full amount of the employer's contribution on the  
546 amount of compensation received by the retiree for his or her  
547 employment in accordance with regulations prescribed by the board.  
548 The retiree shall not receive any additional creditable service in  
549 the retirement system as a result of the payment of the employer's  
550 contribution. This subsection does not apply to persons who are  
551 receiving a retirement allowance and who contract with an employer  
552 to provide services as a true independent contractor, as defined  
553 by the board through regulation.

554 (6) (a) A member may retire and continue in municipal or  
555 county elective office provided that the member has reached the  
556 age and/or service requirement that will not result in a  
557 prohibited in-service distribution as defined by the Internal

558 Revenue Service, or a retiree may be elected to a municipal or  
559 county office, provided that the person:

560           (i) Files annually, in writing, in the office of  
561 the employer and the office of the executive director of the  
562 system before the person takes office or as soon as possible after  
563 retirement, a waiver of all salary or compensation and elects to  
564 receive in lieu of that salary or compensation a retirement  
565 allowance as provided in this section, in which event no salary or  
566 compensation shall thereafter be due or payable for those  
567 services; however, any such officer or employee may receive, in  
568 addition to the retirement allowance, office expense allowance,  
569 mileage or travel expense authorized by any statute of the State  
570 of Mississippi; or

571           (ii) Elects to receive compensation for that  
572 elective office in an amount not to exceed twenty-five percent  
573 (25%) of the retiree's average compensation. In order to receive  
574 compensation as allowed in this subparagraph, the retiree shall  
575 file annually, in writing, in the office of the employer and the  
576 office of the executive director of the system, an election to  
577 receive, in addition to a retirement allowance, compensation as  
578 allowed in this subparagraph.

579           (b) The municipality or county in which the retired  
580 person holds elective office shall pay to the board the amount of  
581 the employer's contributions on the full amount of the regular  
582 compensation for the elective office that the retired person  
583 holds.

584 (c) As used in this subsection, the term "compensation"  
585 does not include office expense allowance, mileage or travel  
586 expense authorized by a statute of the State of Mississippi.

587 (7) Notwithstanding the foregoing and any other provision of  
588 law to the contrary, this section shall not apply to any person  
589 who has been retired under this article for ninety (90)  
590 consecutive days or more from his or her effective date of  
591 retirement from the system if employed by or paid for any service  
592 by a health care collaborative or other organization formed  
593 pursuant to Sections 37-115-50 through 37-115-50.3, unless the  
594 health care collaborative or other organization elects to  
595 participate in the system, as provided for by Section  
596 25-11-105(f).

597 (8) Any retired teacher who returns to work in accordance  
598 with this section shall not be eligible to return to work under  
599 the provisions of Section 25-11-126.

600 **SECTION 4.** The following shall be codified as Section  
601 25-11-126, Mississippi Code of 1972:

602 25-11-126. (1) Any person who has at least thirty (30)  
603 years of creditable service, who was employed as a public school  
604 teacher at the time of his or her retirement, has been retired at  
605 least ninety (90) days and is receiving a retirement allowance,  
606 and holds a standard teaching license in Mississippi, may be  
607 employed as a teacher in a public school district after  
608 retirement, and choose to continue receiving the retirement  
609 allowance under this article during his or her employment as a

610 teacher after retirement in addition to receiving the salary  
611 authorized under this section, along with the local contribution  
612 of the school district in which the retiree is employed, at the  
613 discretion of the school district. Any teacher who has retired  
614 with at least twenty-five (25) years of creditable service as of  
615 July 1, 2024, may also participate in this program if the teacher  
616 otherwise qualifies under this act.

617 (2) A retired teacher may only be hired to teach in a school  
618 district designated by the Department of Education as having  
619 critical shortages and/or critical subject-area shortages, and  
620 shall hold the related standard teaching license and/or  
621 endorsements to teach in the subject area. The base compensation  
622 authorized for returning retired teachers under Section 37-19-7  
623 shall not be graduated annually in the same manner as teachers who  
624 are employed by a school district under traditional employment  
625 guidelines, but shall remain static for the entirety of his or her  
626 eligible teaching period as a retired teacher.

627 (3) (a) A retired teacher may be employed as a teacher,  
628 continue receiving his or her retirement allowance and be a  
629 contributing member of the system without accruing additional  
630 retirement benefits for a total of five (5) years, which may be  
631 performed consecutively or intermittently. This method is  
632 designed specifically to provide funding for the system to  
633 actuarially offset any pension liability created by this act.  
634 Each school district hiring retired teachers under the authority  
635 of this section, shall make a direct payment to the system, which

636 shall serve as pension liability participation assessment. The  
637 pension liability participation assessment and the retired  
638 teacher's salary for returning to work shall be determined as  
639 follows:

640 (i) A school district shall rely on the salary  
641 schedule in Section 37-19-7 in considering the salary for a  
642 retired teacher; provided, however, that the school district may  
643 allocate up to one hundred twenty-five percent (125%) of the  
644 amount provided under the salary schedule comparable to the  
645 teacher's years of service and license type as salary and  
646 assessment under the program;

647 (ii) After determining the retired teacher's  
648 compensation, the school district may pay no more than fifty  
649 percent (50%) of the retired teacher's compensation as salary to  
650 the retired teacher; and

651 (iii) The remaining fifty percent (50%) of the  
652 retired teacher's compensation as salary shall be paid by the  
653 school district to PERS as a pension liability participation  
654 assessment.

655 (b) If a retired teacher, reemployed under the  
656 authority of this section, works in a school district for any  
657 portion of a scholastic year less than a full contractual term of  
658 traditional teachers, the time worked by the retired teacher shall  
659 constitute one (1) of the five (5) years of post retirement  
660 teaching eligibility. A retired teacher, under the authority of  
661 this section, shall be entitled to work in any applicable school



662 district and shall not be obligated to remain in any one (1)  
663 school district for the entirety of his or her post retirement  
664 teaching eligibility, but shall be cumulative in nature so as not  
665 to exceed five (5) years. The salary authorized under Section  
666 37-19-7 for retired teachers shall be prorated for any period  
667 worked by the retired teacher that is less than one (1) full  
668 academic year.

669 (c) The State Department of Education shall transfer to  
670 the system the Mississippi Adequate Education Program funds of  
671 local school districts that on or after July 1, 2024, hire retired  
672 members as teachers under this section and other funds that  
673 otherwise would have been payable to the districts if the  
674 districts had not taken advantage of this section. The crediting  
675 of assets and financing shall follow the provisions of Section  
676 25-11-123.

677 (d) Local educational agencies shall transfer to the  
678 system Mississippi Adequate Education Program funds of local  
679 school districts that on or after July 1, 2024, hire retired  
680 members as teachers under this section and other funds that  
681 otherwise would have been payable to the districts if the  
682 districts had not taken advantage of this section. The crediting  
683 of assets and financing must follow the provisions of Section  
684 25-11-123.

685 (4) Under the authority of this section, school districts  
686 may employ retired teachers based on criteria established by the  
687 department of education for critical teacher shortage areas and

688 critical subject-matter areas. A school district that is not  
689 within a critical teacher shortage area may employ teachers for  
690 critical subject-matter areas.

691 (5) A person may be hired under this section subject to the  
692 following conditions:

693 (a) The retired member holds any teacher's professional  
694 license or certificate as may be required in Section 37-3-2, and  
695 holds the related standard teaching license and/or endorsements to  
696 teach in the applicable subject area;

697 (b) The superintendent of the employing school district  
698 certifies in writing to the State Department of Education that the  
699 retired member has the requisite experience, training and  
700 expertise for the position to be filled;

701 (c) The superintendent of the school district certifies  
702 or the principal of the school certifies that there was no  
703 preexisting arrangement for the person to be hired;

704 (d) The person had a satisfactory performance review  
705 for the most recent period before retirement; and

706 (e) The person is hired to teach in a critical  
707 subject-matter area or in a critical teacher shortage area.

708 (6) The State Superintendent of Public Education shall  
709 report the persons who are employed under this section to the  
710 executive director.

711 (7) The Department of Education shall promulgate regulations  
712 that prescribe a salary schedule that reflects the provisions of  
713 this act. Each school district shall create a policy, approved by

714 the local school board, related to the hiring of retired teachers  
715 and including, but not limited to, the hiring of full and  
716 part-time retired teacher employees under this section and Section  
717 25-11-127.

718 (8) Any retired teacher who returns to work in accordance  
719 with this section shall not be eligible to return to work under  
720 the provisions of Section 25-11-127.

721 **SECTION 5.** Section 37-19-7, Mississippi Code of 1972, is  
722 amended as follows:

723 37-19-7. (1) The allowance in the Mississippi Adequate  
724 Education Program for teachers' salaries in each public school  
725 district shall be determined and paid in accordance with the scale  
726 for teachers' salaries as provided in this subsection. For  
727 teachers holding the following types of licenses or the equivalent  
728 as determined by the State Board of Education, and the following  
729 number of years of teaching experience, the scale shall be as  
730 follows:

731 **2022-2023 AND SUBSEQUENT SCHOOL YEARS MINIMUM SALARY SCHEDULE**

732	Exp.	AAAA	AAA	AA	A
733	0	45,500.00	44,000.00	43,000.00	41,500.00
734	1	46,100.00	44,550.00	43,525.00	41,900.00
735	2	46,700.00	45,100.00	44,050.00	42,300.00
736	3	47,300.00	45,650.00	44,575.00	42,700.00
737	4	47,900.00	46,200.00	45,100.00	43,100.00
738	5	49,250.00	47,500.00	46,350.00	44,300.00
739	6	49,850.00	48,050.00	46,875.00	44,700.00

740	7	50,450.00	48,600.00	47,400.00	45,100.00
741	8	51,050.00	49,150.00	47,925.00	45,500.00
742	9	51,650.00	49,700.00	48,450.00	45,900.00
743	10	53,000.00	51,000.00	49,700.00	47,100.00
744	11	53,600.00	51,550.00	50,225.00	47,500.00
745	12	54,200.00	52,100.00	50,750.00	47,900.00
746	13	54,800.00	52,650.00	51,275.00	48,300.00
747	14	55,400.00	53,200.00	51,800.00	48,700.00
748	15	56,750.00	54,500.00	53,050.00	49,900.00
749	16	57,350.00	55,050.00	53,575.00	50,300.00
750	17	57,950.00	55,600.00	54,100.00	50,700.00
751	18	58,550.00	56,150.00	54,625.00	51,100.00
752	19	59,150.00	56,700.00	55,150.00	51,500.00
753	20	60,500.00	58,000.00	56,400.00	52,700.00
754	21	61,100.00	58,550.00	56,925.00	53,100.00
755	22	61,700.00	59,100.00	57,450.00	53,500.00
756	23	62,300.00	59,650.00	57,975.00	53,900.00
757	24	62,900.00	60,200.00	58,500.00	54,300.00
758	25	65,400.00	62,700.00	61,000.00	56,800.00
759	26	66,000.00	63,250.00	61,525.00	57,200.00
760	27	66,600.00	63,800.00	62,050.00	57,600.00
761	28	67,200.00	64,350.00	62,575.00	58,000.00
762	29	67,800.00	64,900.00	63,100.00	58,400.00
763	30	68,400.00	65,450.00	63,625.00	58,800.00
764	31	69,000.00	66,000.00	64,150.00	59,200.00
765	32	69,600.00	66,550.00	64,675.00	59,600.00

766	33	70,200.00	67,100.00	65,200.00	60,000.00
767	34	70,800.00	67,650.00	65,725.00	60,400.00
768	35				
769	& above	71,400.00	68,200.00	66,250.00	60,800.00

**2024-2025 AND SUBSEQUENT SCHOOL YEARS MINIMUM SALARY SCHEDULE**

771 The school district, with assistance from the Department of  
772 Education, shall consider the teacher's years of service and  
773 license type and determine the corresponding salary for the  
774 retired teacher. After determining the retired teacher's  
775 corresponding salary, the school district may allocate up to one  
776 hundred and twenty-five percent (125%) of the amount provided  
777 under the salary schedule for such teacher, as applicable, as  
778 salary and assessment under the program.

779 After determining the retired teacher's salary, the school  
780 district may pay no more than fifty percent (50%) of the retired  
781 teacher's compensation as salary to the retired teacher. The  
782 remaining fifty percent (50%) of the retired teacher's  
783 compensation as salary shall be paid by the school district to  
784 PERS as a pension liability participation assessment.

785 It is the intent of the Legislature that any state funds made  
786 available for salaries of licensed personnel in excess of the  
787 funds paid for such salaries for the 1986-1987 school year shall  
788 be paid to licensed personnel pursuant to a personnel appraisal  
789 and compensation system implemented by the State Board of  
790 Education. The State Board of Education shall have the authority

791 to adopt and amend rules and regulations as are necessary to  
792 establish, administer and maintain the system.

793 All teachers employed on a full-time basis shall be paid a  
794 minimum salary in accordance with the above scale. However, no  
795 school district shall receive any funds under this section for any  
796 school year during which the local supplement paid to any  
797 individual teacher shall have been reduced to a sum less than that  
798 paid to that individual teacher for performing the same duties  
799 from local supplement during the immediately preceding school  
800 year. The amount actually spent for the purposes of group health  
801 and/or life insurance shall be considered as a part of the  
802 aggregate amount of local supplement but shall not be considered a  
803 part of the amount of individual local supplement.

804 The level of professional training of each teacher to be used  
805 in establishing the salary allotment for the teachers for each  
806 year shall be determined by the type of valid teacher's license  
807 issued to those teachers on or before October 1 of the current  
808 school year. However, school districts are authorized, in their  
809 discretion, to negotiate the salary levels applicable to licensed  
810 employees who are receiving retirement benefits from the  
811 retirement system of another state, and the annual experience  
812 increment provided above in Section 37-19-7 shall not be  
813 applicable to any such retired certificated employee.

814 (2) (a) The following employees shall receive an annual  
815 salary supplement in the amount of Six Thousand Dollars

816 (\$6,000.00), plus fringe benefits, in addition to any other  
817 compensation to which the employee may be entitled:

818 (i) Any licensed teacher or retired teacher  
819 employed by a school district under the authority of Section  
820 25-11-126 who has met the requirements and acquired a Master  
821 Teacher certificate from the National Board for Professional  
822 Teaching Standards and who is employed by a local school board or  
823 the State Board of Education as a teacher and not as an  
824 administrator. Such teacher shall submit documentation to the  
825 State Department of Education that the certificate was received  
826 prior to October 15 in order to be eligible for the full salary  
827 supplement in the current school year, or the teacher shall submit  
828 such documentation to the State Department of Education prior to  
829 February 15 in order to be eligible for a prorated salary  
830 supplement beginning with the second term of the school year.

831 (ii) A licensed nurse who has met the requirements  
832 and acquired a certificate from the National Board for  
833 Certification of School Nurses, Inc., and who is employed by a  
834 local school board or the State Board of Education as a school  
835 nurse and not as an administrator. The licensed school nurse  
836 shall submit documentation to the State Department of Education  
837 that the certificate was received before October 15 in order to be  
838 eligible for the full salary supplement in the current school  
839 year, or the licensed school nurse shall submit the documentation  
840 to the State Department of Education before February 15 in order

841 to be eligible for a prorated salary supplement beginning with the  
842 second term of the school year.

843 (iii) Any licensed school counselor who has met  
844 the requirements and acquired a National Certified School  
845 Counselor (NCSC) endorsement from the National Board of Certified  
846 Counselors and who is employed by a local school board or the  
847 State Board of Education as a counselor and not as an  
848 administrator. Such licensed school counselor shall submit  
849 documentation to the State Department of Education that the  
850 endorsement was received prior to October 15 in order to be  
851 eligible for the full salary supplement in the current school  
852 year, or the licensed school counselor shall submit such  
853 documentation to the State Department of Education prior to  
854 February 15 in order to be eligible for a prorated salary  
855 supplement beginning with the second term of the school year.  
856 However, any school counselor who started the National Board for  
857 Professional Teaching Standards process for school counselors  
858 between June 1, 2003, and June 30, 2004, and completes the  
859 requirements and acquires the Master Teacher certificate shall be  
860 entitled to the master teacher supplement, and those counselors  
861 who complete the process shall be entitled to a one-time  
862 reimbursement for the actual cost of the process as outlined in  
863 paragraph (b) of this subsection.

864 (iv) Any licensed speech-language pathologist and  
865 audiologist who has met the requirements and acquired a  
866 Certificate of Clinical Competence from the American



867 Speech-Language-Hearing Association and any certified academic  
868 language therapist (CALT) who has met the certification  
869 requirements of the Academic Language Therapy Association and who  
870 is employed by a local school board. The licensed speech-language  
871 pathologist and audiologist and certified academic language  
872 therapist shall submit documentation to the State Department of  
873 Education that the certificate or endorsement was received before  
874 October 15 in order to be eligible for the full salary supplement  
875 in the current school year, or the licensed speech-language  
876 pathologist and audiologist and certified academic language  
877 therapist shall submit the documentation to the State Department  
878 of Education before February 15 in order to be eligible for a  
879 prorated salary supplement beginning with the second term of the  
880 school year.

881 (v) Any licensed athletic trainer who has met the  
882 requirements and acquired Board Certification for the Athletic  
883 Trainer from the Board of Certification, Inc., and who is employed  
884 by a local school board or the State Board of Education as an  
885 athletic trainer and not as an administrator. The licensed  
886 athletic trainer shall submit documentation to the State  
887 Department of Education that the certificate was received before  
888 October 15 in order to be eligible for the full salary supplement  
889 in the current school year, or the licensed athletic trainer shall  
890 submit the documentation to the State Department of Education  
891 before February 15 in order to be eligible for a prorated salary  
892 supplement beginning with the second term of the school year.

893           (b) An employee shall be reimbursed for the actual cost  
894 of completing each component of acquiring the certificate or  
895 endorsement, excluding any costs incurred for postgraduate  
896 courses, not to exceed Five Hundred Dollars (\$500.00) for each  
897 component, not to exceed four (4) components, for a teacher,  
898 school counselor or speech-language pathologist and audiologist,  
899 regardless of whether or not the process resulted in the award of  
900 the certificate or endorsement. A local school district or any  
901 private individual or entity may pay the cost of completing the  
902 process of acquiring the certificate or endorsement for any  
903 employee of the school district described under paragraph (a), and  
904 the State Department of Education shall reimburse the school  
905 district for such cost, regardless of whether or not the process  
906 resulted in the award of the certificate or endorsement. If a  
907 private individual or entity has paid the cost of completing the  
908 process of acquiring the certificate or endorsement for an  
909 employee, the local school district may agree to directly  
910 reimburse the individual or entity for such cost on behalf of the  
911 employee.

912           (c) All salary supplements, fringe benefits and process  
913 reimbursement authorized under this subsection shall be paid  
914 directly by the State Department of Education to the local school  
915 district and shall be in addition to its adequate education  
916 program allotments and not a part thereof in accordance with  
917 regulations promulgated by the State Board of Education. Local  
918 school districts shall not reduce the local supplement paid to any

919 employee receiving such salary supplement, and the employee shall  
920 receive any local supplement to which employees with similar  
921 training and experience otherwise are entitled. However, an  
922 educational employee shall receive the salary supplement in the  
923 amount of Six Thousand Dollars (\$6,000.00) for only one (1) of the  
924 qualifying certifications authorized under paragraph (a) of this  
925 subsection. No school district shall provide more than one (1)  
926 annual salary supplement under the provisions of this subsection  
927 to any one (1) individual employee holding multiple qualifying  
928 national certifications.

929 (d) If an employee for whom such cost has been paid, in  
930 full or in part, by a local school district or private individual  
931 or entity fails to complete the certification or endorsement  
932 process, the employee shall be liable to the school district or  
933 individual or entity for all amounts paid by the school district  
934 or individual or entity on behalf of that employee toward his or  
935 her certificate or endorsement.

936 (3) The following employees shall receive an annual salary  
937 supplement in the amount of Four Thousand Dollars (\$4,000.00),  
938 plus fringe benefits, in addition to any other compensation to  
939 which the employee may be entitled:

940 Effective July 1, 2016, if funds are available for that  
941 purpose, any licensed teacher or retired teacher employed by a  
942 local school district under the authority of Section 25-11-126 who  
943 has met the requirements and acquired a Master Teacher Certificate  
944 from the National Board for Professional Teaching Standards and

945 who is employed in a public school district located in one (1) of  
946 the following counties: Claiborne, Adams, Jefferson, Wilkinson,  
947 Amite, Bolivar, Coahoma, Leflore, Quitman, Sharkey, Issaquena,  
948 Sunflower, Washington, Holmes, Yazoo and Tallahatchie. The salary  
949 supplement awarded under the provisions of this subsection (3)  
950 shall be in addition to the salary supplement awarded under the  
951 provisions of subsection (2) of this section.

952 Teachers who meet the qualifications for a salary supplement  
953 under this subsection (3) who are assigned for less than one (1)  
954 full year or less than full time for the school year shall receive  
955 the salary supplement in a prorated manner, with the portion of  
956 the teacher's assignment to the critical geographic area to be  
957 determined as of June 15th of the school year.

958 (4) (a) This section shall be known and may be cited as the  
959 "Mississippi Performance-Based Pay (MPBP)" plan. In addition to  
960 the minimum base pay described in this section, only after full  
961 funding of MAEP and if funds are available for that purpose, the  
962 State of Mississippi may provide monies from state funds to school  
963 districts for the purposes of rewarding licensed teachers,  
964 administrators and nonlicensed personnel at individual schools  
965 showing improvement in student test scores. The MPBP plan shall  
966 be developed by the State Department of Education based on the  
967 following criteria:

968 (i) It is the express intent of this legislation  
969 that the MPBP plan shall utilize only existing standards of

970 accreditation and assessment as established by the State Board of  
971 Education.

972           (ii) To ensure that all of Mississippi's teachers,  
973 administrators and nonlicensed personnel at all schools have equal  
974 access to the monies set aside in this section, the MPBP program  
975 shall be designed to calculate each school's performance as  
976 determined by the school's increase in scores from the prior  
977 school year. The MPBP program shall be based on a standardized  
978 scores rating where all levels of schools can be judged in a  
979 statistically fair and reasonable way upon implementation. At the  
980 end of each year, after all student achievement scores have been  
981 standardized, the State Department of Education shall implement  
982 the MPBP plan.

983           (iii) To ensure all teachers cooperate in the  
984 spirit of teamwork, individual schools shall submit a plan to the  
985 local school district to be approved before the beginning of each  
986 school year beginning July 1, 2008. The plan shall include, but  
987 not be limited to, how all teachers, regardless of subject area,  
988 and administrators will be responsible for improving student  
989 achievement for their individual school.

990           (b) The State Board of Education shall develop the  
991 processes and procedures for designating schools eligible to  
992 participate in the MPBP. State assessment results, growth in  
993 student achievement at individual schools and other measures  
994 deemed appropriate in designating successful student achievement  
995 shall be used in establishing MPBP criteria.

996           (5) (a) If funds are available for that purpose, each  
997 school in Mississippi shall have mentor teachers, as defined by  
998 Sections 37-9-201 through 37-9-213, who shall receive additional  
999 base compensation provided for by the State Legislature in the  
1000 amount of One Thousand Dollars (\$1,000.00) per each beginning  
1001 teacher that is being mentored. The additional state compensation  
1002 shall be limited to those mentor teachers that provide mentoring  
1003 services to beginning teachers. For the purposes of such funding,  
1004 a beginning teacher shall be defined as any teacher in any school  
1005 in Mississippi that has less than one (1) year of classroom  
1006 experience teaching in a public school. For the purposes of such  
1007 funding, no full-time academic teacher shall mentor more than two  
1008 (2) beginning teachers.

1009           (b) To be eligible for this state funding, the  
1010 individual school must have a classroom management program  
1011 approved by the local school board.

1012           (6) Effective with the 2014-2015 school year, the school  
1013 districts participating in the Pilot Performance-Based  
1014 Compensation System pursuant to Section 37-19-9 may award  
1015 additional teacher and administrator pay based thereon.

1016           **SECTION 6.** Section 25-11-123, Mississippi Code of 1972, is  
1017 amended as follows:

1018           25-11-123. All of the assets of the system shall be credited  
1019 according to the purpose for which they are held to one (1) of  
1020 four (4) reserves; namely, the annuity savings account, the

1021 annuity reserve, the employer's accumulation account, and the  
1022 expense account.

1023       (a) **Annuity savings account.** In the annuity savings account  
1024 shall be accumulated the contributions made by members to provide  
1025 for their annuities, including interest thereon which shall be  
1026 posted monthly. Credits to and charges against the annuity  
1027 savings account shall be made as follows:

1028               (1) Beginning July 1, 2010, except as otherwise  
1029 provided in Section 25-11-126, the employer shall cause to be  
1030 deducted from the salary of each member on each and every payroll  
1031 of the employer for each and every payroll period nine percent  
1032 (9%) of earned compensation as defined in Section 25-11-103.  
1033 Future contributions shall be fixed biennially by the board on the  
1034 basis of the liabilities of the retirement system for the various  
1035 allowances and benefits as shown by actuarial valuation; however,  
1036 any member earning at a rate less than Sixteen Dollars and  
1037 Sixty-seven Cents (\$16.67) per month, or Two Hundred Dollars  
1038 (\$200.00) per year, shall contribute not less than One Dollar  
1039 (\$1.00) per month, or Twelve Dollars (\$12.00) per year.

1040               (2) The deductions provided in paragraph (1) of this  
1041 subsection shall be made notwithstanding that the minimum  
1042 compensation provided by law for any member is reduced by the  
1043 deduction. Every member shall be deemed to consent and agree to  
1044 the deductions made and provided for in paragraph (1) of this  
1045 subsection and shall receipt for his full salary or compensation,  
1046 and payment of salary or compensation less the deduction shall be

1047 a full and complete discharge and acquittance of all claims and  
1048 demands whatsoever for the services rendered by the person during  
1049 the period covered by the payment, except as to the benefits  
1050 provided under Articles 1 and 3. The board shall provide by rules  
1051 for the methods of collection of contributions from members and  
1052 the employer. The board shall have full authority to require the  
1053 production of evidence necessary to verify the correctness of  
1054 amounts contributed.

1055 (b) **Annuity reserve.** The annuity reserve shall be the  
1056 account representing the actuarial value of all annuities in  
1057 force, and to it shall be charged all annuities and all benefits  
1058 in lieu of annuities, payable as provided in this article. If a  
1059 beneficiary retired on account of disability is restored to active  
1060 service with a compensation not less than his average final  
1061 compensation at the time of his last retirement, the remainder of  
1062 his contributions shall be transferred from the annuity reserve to  
1063 the annuity savings account and credited to his individual account  
1064 therein, and the balance of his annuity reserve shall be  
1065 transferred to the employer's accumulation account.

1066 (c) **Employer's accumulation account.** The employer's  
1067 accumulation account shall represent the accumulation of all  
1068 reserves for the payment of all retirement allowances and other  
1069 benefits payable from contributions made by the employer, and  
1070 against this account shall be charged all retirement allowances  
1071 and other benefits on account of members. Credits to and charges



1072 against the employer's accumulation account shall be made as  
1073 follows:

1074 (1) On account of each member there shall be paid  
1075 monthly into the employer's accumulation account by the employers  
1076 for the preceding fiscal year an amount equal to a certain  
1077 percentage of the total earned compensation, as defined in Section  
1078 25-11-103, of each member. \* \* \* From and after the effective  
1079 date of this act, the increase in the employer's contribution rate  
1080 scheduled to take effect on July 1, 2024, is rescinded and shall  
1081 not take effect.

1082 (2) For the public good, any recommendation by the  
1083 board to adjust the employer contributions shall be accompanied by  
1084 at least two (2) assessments from actuaries who are independent  
1085 from each other and the retirement plan. The actuaries shall  
1086 analyze the economic impact of any such recommendation to the  
1087 system and state, including, but not limited to, information  
1088 showing the fiscal impact to every agency and arm of the state,  
1089 including, but not limited to, state agencies, cities, counties  
1090 and school districts. The actuarial assessments, with any such  
1091 recommendation to adjust the employer contributions, shall be  
1092 submitted to the Lieutenant Governor, Speaker of the House,  
1093 Chairman of the Senate Appropriations Committee and Chairman of  
1094 the House Appropriations Committee.

1095 (3) The board shall have the authority to make  
1096 recommendations regarding additional funding sources for the  
1097 retirement plan, including employer contribution increases, based

1098 on the assets and liabilities of the retirement plan, and the  
1099 analyses required by paragraph (2) of this subsection (c). The  
1100 Legislature shall have the sole authority to implement any such  
1101 recommendations.

1102 (4) This section shall not be construed to provide  
1103 authority to reduce or eliminate any earned benefits to be  
1104 provided by the state to persons drawing a retirement allowance or  
1105 to members of the system as of the effective date of this act.

1106 ( \* \* \*5) On the basis of regular interest and of such  
1107 mortality and other tables as are adopted by the board of  
1108 trustees, the actuary engaged by the board to make each valuation  
1109 required by this article during the period over which the accrued  
1110 liability contribution is payable, immediately after making that  
1111 valuation, shall determine the uniform and constant percentage of  
1112 the earnable compensation of each member which, if contributed by  
1113 the employer on the basis of compensation of the member throughout  
1114 his entire period of membership service, would be sufficient to  
1115 provide for the payment of any retirement allowance payable on his  
1116 account for that service. The percentage rate so determined shall  
1117 be known as the "normal contribution rate." After the accrued  
1118 liability contribution has ceased to be payable, the normal  
1119 contribution rate shall be the percentage rate of the salary of  
1120 all members obtained by deducting from the total liabilities on  
1121 account of membership service the amount in the employer's  
1122 accumulation account, and dividing the remainder by one percent  
1123 (1%) of the present value of the prospective future salaries of

1124 all members as computed on the basis of the mortality and service  
1125 tables adopted by the board of trustees and regular interest. The  
1126 normal rate of contributions shall be determined by the actuary  
1127 after each valuation.

1128 ( \* \* \*6) The total amount payable in each year to the  
1129 employer's accumulation account shall not be less than the sum of  
1130 the percentage rate known as the "normal contribution rate" and  
1131 the "accrued liability contribution rate" of the total  
1132 compensation earnable by all members during the preceding year,  
1133 provided that the payment by the employer shall be sufficient,  
1134 when combined with the amounts in the account, to provide the  
1135 allowances and other benefits chargeable to this account during  
1136 the year then current.

1137 ( \* \* \*7) The accrued liability contribution shall be  
1138 discontinued as soon as the accumulated balance in the employer's  
1139 accumulation account shall equal the present value, computed on  
1140 the basis of the normal contribution rate then in force, or the  
1141 prospective normal contributions to be received on account of all  
1142 persons who are at that time members.

1143 ( \* \* \*8) All allowances and benefits in lieu thereof,  
1144 with the exception of those payable on account of members who  
1145 receive no prior service credit, payable from contributions of the  
1146 employer, shall be paid from the employer's accumulation account.

1147 ( \* \* \*9) Upon the retirement of a member, an amount  
1148 equal to his retirement allowance shall be transferred from the  
1149 employer's accumulation account to the annuity reserve.

1150 ( \* \* \*10) The employer's accumulation account shall be  
1151 credited with any assets authorized by law to be credited to the  
1152 account.

1153 (d) **Expense account.** The expense account shall be the  
1154 account to which the expenses of the administration of the system  
1155 shall be charged, exclusive of amounts payable as retirement  
1156 allowances and as other benefits provided herein. The Legislature  
1157 shall make annual appropriations in amounts sufficient to  
1158 administer the system, which shall be credited to this account.  
1159 There shall be transferred to the State Treasury from this  
1160 account, not less than once per month, an amount sufficient for  
1161 payment of the estimated expenses of the system for the succeeding  
1162 thirty (30) days. Any interest earned on the expense account  
1163 shall accrue to the benefit of the system. However,  
1164 notwithstanding the provisions of Sections 25-11-15(10) and  
1165 25-11-105(f) (v)5, all expenses of the administration of the system  
1166 shall be paid from the interest earnings, provided the interest  
1167 earnings are in excess of the actuarial interest assumption as  
1168 determined by the board, and provided the present cost of the  
1169 administrative expense fee of two percent (2%) of the  
1170 contributions reported by the political subdivisions and  
1171 instrumentalities shall be reduced to one percent (1%) from and  
1172 after July 1, 1983, through June 30, 1984, and shall be eliminated  
1173 thereafter.

1174 (e) **Collection of contributions.** The employer shall cause  
1175 to be deducted on each and every payroll of a member for each and

1176 every payroll period, beginning subsequent to January 31, 1953,  
1177 the contributions payable by the member as provided in Articles 1  
1178 and 3.

1179 The employer shall make deductions from salaries of employees  
1180 as provided in Articles 1 and 3 and shall transmit monthly, or at  
1181 such time as the board of trustees designates, the amount  
1182 specified to be deducted to the Executive Director of the Public  
1183 Employees' Retirement System. The executive director, after  
1184 making a record of all those receipts, shall deposit such amounts  
1185 as provided by law.

1186 (f) (1) Upon the basis of each actuarial valuation provided  
1187 herein, the board of trustees shall biennially determine the  
1188 normal contribution rate and the accrued liability contribution  
1189 rate as provided in this section. The sum of these two (2) rates  
1190 shall be known as the "employer's contribution rate." The  
1191 percentage rate of those contributions shall be fixed biennially  
1192 by the board on the basis of the liabilities of the retirement  
1193 system for the various allowances and benefits as shown by  
1194 actuarial valuation.

1195 (2) The amount payable by the employer on account of  
1196 normal and accrued liability contributions shall be determined by  
1197 applying the employer's contribution rate to the amount of  
1198 compensation earned by employees who are members of the system.  
1199 Monthly, or at such time as the board of trustees designates, each  
1200 department or agency shall compute the amount of the employer's  
1201 contribution payable, with respect to the salaries of its

1202 employees who are members of the system, and shall cause that  
1203 amount to be paid to the board of trustees from the personal  
1204 service allotment of the amount appropriated for the operation of  
1205 the department or agency, or from funds otherwise available to the  
1206 agency, for the payment of salaries to its employees.

1207 (3) Except as otherwise provided in Section 25-11-106:

1208 (i) Constables shall pay employer and employee  
1209 contributions on their net fee income as well as the employee  
1210 contributions on all direct treasury or county payroll income.

1211 (ii) The county shall be responsible for the  
1212 employer contribution on all direct treasury or county payroll  
1213 income of constables.

1214 (4) Except as otherwise provided in Section  
1215 25-11-106.1, chancery and circuit clerks shall be responsible for  
1216 both the employer and employee share of contributions on the  
1217 proportionate share of net income attributable to fees, as well as  
1218 the employee share of net income attributable to direct treasury  
1219 or county payroll income, and the employing county shall be  
1220 responsible for the employer contributions on the net income  
1221 attributable to direct treasury or county payroll income.

1222 (5) Once each year, under procedures established by the  
1223 system, each employer shall submit to the Public Employees'  
1224 Retirement System a copy of their report to Social Security of all  
1225 employees' earnings.

1226 (6) The board shall provide by rules for the methods of  
1227 collection of contributions of employers and members. The amounts

1228 determined due by an agency to the various funds as specified in  
1229 Articles 1 and 3 are made obligations of the agency to the board  
1230 and shall be paid as provided herein. Failure to deduct those  
1231 contributions shall not relieve the employee and employer from  
1232 liability thereof. Delinquent employee contributions and any  
1233 accrued interest shall be the obligation of the employee and  
1234 delinquent employer contributions and any accrued interest shall  
1235 be the obligation of the employer. The employer may, in its  
1236 discretion, elect to pay any or all of the interest on delinquent  
1237 employee contributions. From and after July 1, 1996, under rules  
1238 and regulations established by the board, all employers are  
1239 authorized and shall transfer all funds due to the Public  
1240 Employees' Retirement System electronically and shall transmit any  
1241 wage or other reports by computerized reporting systems.

1242       **SECTION 7.** Section 25-11-105, Mississippi Code of 1972, is  
1243 brought forward as follows:

1244       25-11-105.   **I.   THOSE WHO ARE ELIGIBLE FOR MEMBERSHIP**

1245       The membership of this retirement system shall be composed as  
1246 follows:

1247               (a)   (i) All persons who become employees in the state  
1248 service after January 31, 1953, and whose wages are subject to  
1249 payroll taxes and are lawfully reported on IRS Form W-2, except  
1250 those specifically excluded, or as to whom election is provided in  
1251 Articles 1 and 3, shall become members of the retirement system as  
1252 a condition of their employment.

1253                   (ii) From and after July 1, 2002, any individual  
1254 who is employed by a governmental entity to perform professional  
1255 services shall become a member of the system if the individual is  
1256 paid regular periodic compensation for those services that is  
1257 subject to payroll taxes, is provided all other employee benefits  
1258 and meets the membership criteria established by the regulations  
1259 adopted by the board of trustees that apply to all other members  
1260 of the system; however, any active member employed in such a  
1261 position on July 1, 2002, will continue to be an active member for  
1262 as long as they are employed in any such position.

1263                   (b) All persons who become employees in the state  
1264 service after January 31, 1953, except those specifically excluded  
1265 or as to whom election is provided in Articles 1 and 3, unless  
1266 they file with the board before the lapse of sixty (60) days of  
1267 employment or sixty (60) days after the effective date of the  
1268 cited articles, whichever is later, on a form prescribed by the  
1269 board, a notice of election not to be covered by the membership of  
1270 the retirement system and a duly executed waiver of all present  
1271 and prospective benefits that would otherwise inure to them on  
1272 account of their participation in the system, shall become members  
1273 of the retirement system; however, no credit for prior service  
1274 will be granted to members who became members of the system before  
1275 July 1, 2007, until they have contributed to Article 3 of the  
1276 retirement system for a minimum period of at least four (4) years,  
1277 or to members who became members of the system on or after July 1,  
1278 2007, until they have contributed to Article 3 of the retirement



1279 system for a minimum period of at least eight (8) years. Those  
1280 members shall receive credit for services performed before January  
1281 1, 1953, in employment now covered by Article 3, but no credit  
1282 shall be granted for retroactive services between January 1, 1953,  
1283 and the date of their entry into the retirement system, unless the  
1284 employee pays into the retirement system both the employer's and  
1285 the employee's contributions on wages paid him during the period  
1286 from January 31, 1953, to the date of his becoming a contributing  
1287 member, together with interest at the rate determined by the board  
1288 of trustees. Members reentering after withdrawal from service  
1289 shall qualify for prior service under the provisions of Section  
1290 25-11-117. From and after July 1, 1998, upon eligibility as noted  
1291 above, the member may receive credit for such retroactive service  
1292 provided:

1293 (i) The member shall furnish proof satisfactory to  
1294 the board of trustees of certification of that service from the  
1295 covered employer where the services were performed; and

1296 (ii) The member shall pay to the retirement system  
1297 on the date he or she is eligible for that credit or at any time  
1298 thereafter before the date of retirement the actuarial cost for  
1299 each year of that creditable service. The provisions of this  
1300 subparagraph (ii) shall be subject to the limitations of Section  
1301 415 of the Internal Revenue Code and regulations promulgated under  
1302 Section 415.

1303 Nothing contained in this paragraph (b) shall be construed to  
1304 limit the authority of the board to allow the correction of

1305 reporting errors or omissions based on the payment of the employee  
1306 and employer contributions plus applicable interest.

1307 (c) All persons who become employees in the state  
1308 service after January 31, 1953, and who are eligible for  
1309 membership in any other retirement system shall become members of  
1310 this retirement system as a condition of their employment, unless  
1311 they elect at the time of their employment to become a member of  
1312 that other system.

1313 (d) All persons who are employees in the state service  
1314 on January 31, 1953, and who are members of any nonfunded  
1315 retirement system operated by the State of Mississippi, or any of  
1316 its departments or agencies, shall become members of this system  
1317 with prior service credit unless, before February 1, 1953, they  
1318 file a written notice with the board of trustees that they do not  
1319 elect to become members.

1320 (e) All persons who are employees in the state service  
1321 on January 31, 1953, and who under existing laws are members of  
1322 any fund operated for the retirement of employees by the State of  
1323 Mississippi, or any of its departments or agencies, shall not be  
1324 entitled to membership in this retirement system unless, before  
1325 February 1, 1953, any such person indicates by a notice filed with  
1326 the board, on a form prescribed by the board, his individual  
1327 election and choice to participate in this system, but no such  
1328 person shall receive prior service credit unless he becomes a  
1329 member on or before February 1, 1953.

1330           (f) Each political subdivision of the state and each  
1331 instrumentality of the state or a political subdivision, or both,  
1332 is authorized to submit, for approval by the board of trustees, a  
1333 plan for extending the benefits of this article to employees of  
1334 any such political subdivision or instrumentality. Each such plan  
1335 or any amendment to the plan for extending benefits thereof shall  
1336 be approved by the board of trustees if it finds that the plan, or  
1337 the plan as amended, is in conformity with such requirements as  
1338 are provided in Articles 1 and 3; however, upon approval of the  
1339 plan or any such plan previously approved by the board of  
1340 trustees, the approved plan shall not be subject to cancellation  
1341 or termination by the political subdivision or instrumentality.  
1342 No such plan shall be approved unless:

1343           (i) It provides that all services that constitute  
1344 employment as defined in Section 25-11-5 and are performed in the  
1345 employ of the political subdivision or instrumentality, by any  
1346 employees thereof, shall be covered by the plan, with the  
1347 exception of municipal employees who are already covered by  
1348 existing retirement plans; however, those employees in this class  
1349 may elect to come under the provisions of this article;

1350           (ii) It specifies the source or sources from which  
1351 the funds necessary to make the payments required by paragraph (d)  
1352 of Section 25-11-123 and of paragraph (f) (v)2 and 3 of this  
1353 section are expected to be derived and contains reasonable  
1354 assurance that those sources will be adequate for that purpose;

1355                   (iii) It provides for such methods of  
1356 administration of the plan by the political subdivision or  
1357 instrumentality as are found by the board of trustees to be  
1358 necessary for the proper and efficient administration thereof;

1359                   (iv) It provides that the political subdivision or  
1360 instrumentality will make such reports, in such form and  
1361 containing such information, as the board of trustees may from  
1362 time to time require;

1363                   (v) It authorizes the board of trustees to  
1364 terminate the plan in its entirety in the discretion of the board  
1365 if it finds that there has been a failure to comply substantially  
1366 with any provision contained in the plan, the termination to take  
1367 effect at the expiration of such notice and on such conditions as  
1368 may be provided by regulations of the board and as may be  
1369 consistent with applicable federal law.

1370                   1. The board of trustees shall not finally  
1371 refuse to approve a plan submitted under paragraph (f), and shall  
1372 not terminate an approved plan without reasonable notice and  
1373 opportunity for hearing to each political subdivision or  
1374 instrumentality affected by the board's decision. The board's  
1375 decision in any such case shall be final, conclusive and binding  
1376 unless an appeal is taken by the political subdivision or  
1377 instrumentality aggrieved by the decision to the Circuit Court of  
1378 the First Judicial District of Hinds County, Mississippi, in  
1379 accordance with the provisions of law with respect to civil causes  
1380 by certiorari.

1381                   2. Each political subdivision or  
1382 instrumentality as to which a plan has been approved under this  
1383 section shall pay into the contribution fund, with respect to  
1384 wages (as defined in Section 25-11-5), at such time or times as  
1385 the board of trustees may by regulation prescribe, contributions  
1386 in the amounts and at the rates specified in the applicable  
1387 agreement entered into by the board.

1388                   3. Every political subdivision or  
1389 instrumentality required to make payments under paragraph (f)(v)2  
1390 of this section is authorized, in consideration of the employees'  
1391 retention in or entry upon employment after enactment of Articles  
1392 1 and 3, to impose upon its employees, as to services that are  
1393 covered by an approved plan, a contribution with respect to wages  
1394 (as defined in Section 25-11-5) not exceeding the amount provided  
1395 in Section 25-11-123(d) if those services constituted employment  
1396 within the meaning of Articles 1 and 3, and to deduct the amount  
1397 of the contribution from the wages as and when paid.

1398 Contributions so collected shall be paid into the contribution  
1399 fund as partial discharge of the liability of the political  
1400 subdivisions or instrumentalities under paragraph (f)(v)2 of this  
1401 section. Failure to deduct the contribution shall not relieve the  
1402 employee or employer of liability for the contribution.

1403                   4. Any state agency, school, political  
1404 subdivision, instrumentality or any employer that is required to  
1405 submit contribution payments or wage reports under any section of  
1406 this chapter shall be assessed interest on delinquent payments or

1407 wage reports as determined by the board of trustees in accordance  
1408 with rules and regulations adopted by the board and delinquent  
1409 payments, assessed interest and any other amount certified by the  
1410 board as owed by an employer, may be recovered by action in a  
1411 court of competent jurisdiction against the reporting agency  
1412 liable therefor or may, upon due certification of delinquency and  
1413 at the request of the board of trustees, be deducted from any  
1414 other monies payable to the reporting agency by any department or  
1415 agency of the state.

1416                   5. Each political subdivision of the state  
1417 and each instrumentality of the state or a political subdivision  
1418 or subdivisions that submit a plan for approval of the board, as  
1419 provided in this section, shall reimburse the board for coverage  
1420 into the expense account, its pro rata share of the total expense  
1421 of administering Articles 1 and 3 as provided by regulations of  
1422 the board.

1423                   (g) The board may, in its discretion, deny the right of  
1424 membership in this system to any class of employees whose  
1425 compensation is only partly paid by the state or who are occupying  
1426 positions on a part-time or intermittent basis. The board may, in  
1427 its discretion, make optional with employees in any such classes  
1428 their individual entrance into this system.

1429                   (h) An employee whose membership in this system is  
1430 contingent on his own election, and who elects not to become a  
1431 member, may thereafter apply for and be admitted to membership;  
1432 but no such employee shall receive prior service credit unless he

1433 becomes a member before July 1, 1953, except as provided in  
1434 paragraph (b).

1435           (i) If any member of this system changes his employment  
1436 to any agency of the state having an actuarially funded retirement  
1437 system, the board of trustees may authorize the transfer of the  
1438 member's creditable service and of the present value of the  
1439 member's employer's accumulation account and of the present value  
1440 of the member's accumulated membership contributions to that other  
1441 system, provided that the employee agrees to the transfer of his  
1442 accumulated membership contributions and provided that the other  
1443 system is authorized to receive and agrees to make the transfer.

1444           If any member of any other actuarially funded system  
1445 maintained by an agency of the state changes his employment to an  
1446 agency covered by this system, the board of trustees may authorize  
1447 the receipt of the transfer of the member's creditable service and  
1448 of the present value of the member's employer's accumulation  
1449 account and of the present value of the member's accumulated  
1450 membership contributions from the other system, provided that the  
1451 employee agrees to the transfer of his accumulated membership  
1452 contributions to this system and provided that the other system is  
1453 authorized and agrees to make the transfer.

1454           (j) Wherever state employment is referred to in this  
1455 section, it includes joint employment by state and federal  
1456 agencies of all kinds.

1457           (k) Employees of a political subdivision or  
1458 instrumentality who were employed by the political subdivision or

1459 instrumentality before an agreement between the entity and the  
1460 Public Employees' Retirement System to extend the benefits of this  
1461 article to its employees, and which agreement provides for the  
1462 establishment of retroactive service credit, and who became  
1463 members of the retirement system before July 1, 2007, and have  
1464 remained contributors to the retirement system for four (4) years,  
1465 or who became members of the retirement system on or after July 1,  
1466 2007, and have remained contributors to the retirement system for  
1467 eight (8) years, may receive credit for that retroactive service  
1468 with the political subdivision or instrumentality, provided that  
1469 the employee and/or employer, as provided under the terms of the  
1470 modification of the joinder agreement in allowing that coverage,  
1471 pay into the retirement system the employer's and employee's  
1472 contributions on wages paid the member during the previous  
1473 employment, together with interest or actuarial cost as determined  
1474 by the board covering the period from the date the service was  
1475 rendered until the payment for the credit for the service was  
1476 made. Those wages shall be verified by the Social Security  
1477 Administration or employer payroll records. Effective July 1,  
1478 1998, upon eligibility as noted above, a member may receive credit  
1479 for that retroactive service with the political subdivision or  
1480 instrumentality provided:

1481           (i) The member shall furnish proof satisfactory to  
1482 the board of trustees of certification of those services from the  
1483 political subdivision or instrumentality where the services were



1484 rendered or verification by the Social Security Administration;  
1485 and

1486                   (ii) The member shall pay to the retirement system  
1487 on the date he or she is eligible for that credit or at any time  
1488 thereafter before the date of retirement the actuarial cost for  
1489 each year of that creditable service. The provisions of this  
1490 subparagraph (ii) shall be subject to the limitations of Section  
1491 415 of the Internal Revenue Code and regulations promulgated under  
1492 Section 415.

1493           Nothing contained in this paragraph (k) shall be construed to  
1494 limit the authority of the board to allow the correction of  
1495 reporting errors or omissions based on the payment of employee and  
1496 employer contributions plus applicable interest. Payment for that  
1497 time shall be made beginning with the most recent service. Upon  
1498 the payment of all or part of the required contributions, plus  
1499 interest or the actuarial cost as provided above, the member shall  
1500 receive credit for the period of creditable service for which full  
1501 payment has been made to the retirement system.

1502           (1) Through June 30, 1998, any state service eligible  
1503 for retroactive service credit, no part of which has ever been  
1504 reported, and requiring the payment of employee and employer  
1505 contributions plus interest, or, from and after July 1, 1998, any  
1506 state service eligible for retroactive service credit, no part of  
1507 which has ever been reported to the retirement system, and  
1508 requiring the payment of the actuarial cost for that creditable  
1509 service, may, at the member's option, be purchased in quarterly

1510 increments as provided above at the time that its purchase is  
1511 otherwise allowed.

1512 (m) All rights to purchase retroactive service credit  
1513 or repay a refund as provided in Section 25-11-101 et seq. shall  
1514 terminate upon retirement.

1515 **II. THOSE WHO ARE NOT ELIGIBLE FOR MEMBERSHIP**

1516 The following classes of employees and officers shall not  
1517 become members of this retirement system, any other provisions of  
1518 Articles 1 and 3 to the contrary notwithstanding:

1519 (a) Patient or inmate help in state charitable, penal  
1520 or correctional institutions;

1521 (b) Students of any state educational institution  
1522 employed by any agency of the state for temporary, part-time or  
1523 intermittent work;

1524 (c) Participants of Comprehensive Employment and  
1525 Training Act of 1973 (CETA) being Public Law 93-203, who enroll on  
1526 or after July 1, 1979;

1527 (d) From and after July 1, 2002, individuals who are  
1528 employed by a governmental entity to perform professional service  
1529 on less than a full-time basis who do not meet the criteria  
1530 established in I(a)(ii) of this section.

1531 **III. TERMINATION OF MEMBERSHIP**

1532 Membership in this system shall cease by a member withdrawing  
1533 his accumulated contributions, or by a member withdrawing from  
1534 active service with a retirement allowance, or by a member's  
1535 death.

1536           **SECTION 8.** This act shall take effect and be in force from  
1537 and after its passage.

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

1           AN ACT TO AMEND SECTIONS 25-11-5 AND 25-11-103, MISSISSIPPI  
2 CODE OF 1972, TO DEFINE THE TERM "INSTRUMENTALITY" FOR THE PURPOSE  
3 OF THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM LAWS AND INCLUDE HEALTH  
4 CARE COLLABORATIVES IN THE DEFINITION; TO AMEND SECTION 25-11-127,  
5 MISSISSIPPI CODE OF 1972, TO EXEMPT CERTAIN PEOPLE EMPLOYED BY OR  
6 PAID FOR ANY SERVICE BY A HEALTH CARE COLLABORATIVE OR OTHER  
7 ORGANIZATION; TO CONFORM TO NEW SECTION 25-11-126; TO CREATE NEW  
8 SECTION 25-11-126, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT  
9 PERSONS WHO HAVE AT LEAST 30 YEARS OF CREDITABLE SERVICE IN THE  
10 PUBLIC EMPLOYEES' RETIREMENT SYSTEM, WHO WERE EMPLOYED AS PUBLIC  
11 SCHOOL TEACHERS AT THE TIME OF THEIR RETIREMENT AND WHO HAVE BEEN  
12 RETIRED AT LEAST 90 DAYS AND RECEIVING A RETIREMENT ALLOWANCE, MAY  
13 BE EMPLOYED AS TEACHERS IN CERTAIN PUBLIC SCHOOL DISTRICTS AFTER  
14 THEIR RETIREMENT AND RECEIVE A RETIREMENT ALLOWANCE FROM THE  
15 PUBLIC EMPLOYEES' RETIREMENT SYSTEM DURING THEIR EMPLOYMENT AS  
16 TEACHERS IN ADDITION TO A SET SALARY; TO PROVIDE THAT SUCH RETIRED  
17 TEACHERS SHALL BE ELIGIBLE TO RETURN TO TEACHING AND CONTINUE TO  
18 RECEIVE A RETIREMENT BENEFIT FOR A TOTAL OF FIVE YEARS; TO  
19 STIPULATE THE AMOUNT TO BE PAID BY SCHOOL DISTRICTS, WHICH AVAIL  
20 THEMSELVES OF REEMPLOYING RETIRED TEACHERS TO PERS; TO PROVIDE  
21 THAT ANY TIME WORKED BY A RETIRED TEACHER IN A SCHOOL DISTRICT  
22 THAT IS LESS THAN A FULL CONTRACTUAL TERM OF TRADITIONAL TEACHERS  
23 SHALL CONSTITUTE ONE OF THE FIVE YEARS OF POST-RETIREMENT TEACHING  
24 ELIGIBILITY AND THE SALARY AUTHORIZED FOR SUCH INDIVIDUAL SHALL BE  
25 PRORATED FOR ANY TIME WORKED LESS THAN A FULL ACADEMIC YEAR; TO  
26 PROVIDE THAT A RETIRED TEACHER SHALL NOT BE RESTRICTED TO TEACHING  
27 IN ONE SCHOOL DISTRICT FOR HIS OR HER PERIOD OF POST-RETIREMENT  
28 TEACHING ELIGIBILITY; TO PROVIDE THAT SCHOOL DISTRICTS MAY EMPLOY  
29 RETIRED TEACHERS BASED ON CERTAIN CRITICAL TEACHER SHORTAGE  
30 CRITERIA DEVELOPED BY THE DEPARTMENT OF EDUCATION; TO AMEND  
31 SECTION 37-19-7, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR THE  
32 SALARY FOR RETIRED TEACHERS RETURNING TO THE CLASSROOM; TO ALLOW  
33 RETIRED TEACHERS WHO HAD RECEIVED NATIONAL BOARD CERTIFICATION  
34 PRIOR TO RETIREMENT TO CONTINUE RECEIVING THE ANNUAL SUPPLEMENT  
35 FOR SUCH CERTIFICATION; TO AMEND SECTIONS 25-11-123, MISSISSIPPI  
36 CODE OF 1972, IN CONFORMITY THERETO; TO PROVIDE THAT THE INCREASE  
37 IN THE EMPLOYER'S CONTRIBUTION RATE THAT IS SCHEDULED TO TAKE  
38 EFFECT ON JULY 1, 2024, IS RESCINDED AND SHALL NOT TAKE EFFECT; TO  
39 REQUIRE THAT ANY RECOMMENDATION BY THE BOARD TO ADJUST EMPLOYER  
40 CONTRIBUTIONS BE ACCOMPANIED BY AT LEAST TWO INDEPENDENT ACTUARIAL  
41 ASSESSMENTS; TO ALLOW THE BOARD TO MAKE RECOMMENDATIONS REGARDING  
42 ADDITIONAL FUNDING SOURCES FOR THE RETIREMENT PLAN, INCLUDING

43 EMPLOYER CONTRIBUTION INCREASES, BASED ON THE PLAN'S ASSETS AND  
44 LIABILITIES, AND THE REQUIRED ACTUARIAL ASSESSMENTS; TO RESERVE TO  
45 THE LEGISLATURE THE AUTHORITY TO IMPLEMENT SUCH RECOMMENDATIONS;  
46 TO SPECIFY THAT THE SECTION SHALL NOT BE CONSTRUED TO PROVIDE  
47 AUTHORITY TO REDUCE OR ELIMINATE ANY EARNED BENEFITS PROVIDED BY  
48 THE STATE TO CURRENT RETIREES OR CURRENT MEMBERS OF THE RETIREMENT  
49 SYSTEM; TO BRING FORWARD SECTION 25-11-105, MISSISSIPPI CODE OF  
50 1972, FOR THE PURPOSE OF POSSIBLE AMENDMENT; AND FOR RELATED  
51 PURPOSES.

SS26\HB1618A.2J

Amanda White  
Secretary of the Senate