

By: Representative Denton

To: Judiciary B;  
Appropriations A

HOUSE BILL NO. 489

1 AN ACT TO CREATE NEW SECTIONS 25-11-147 AND 25-11-321,  
2 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT IF A MEMBER OF THE  
3 PUBLIC EMPLOYEES' RETIREMENT SYSTEM WHO IS AN ELECTED OFFICIAL OR  
4 A MEMBER OF THE SUPPLEMENTAL LEGISLATIVE RETIREMENT PLAN IS  
5 CONVICTED OF OR ENTERS A PLEA OF GUILTY OR NOLO CONTENDERE IN ANY  
6 COURT TO A FELONY IN WHICH PUBLIC FUNDS WERE UNLAWFULLY TAKEN,  
7 OBTAINED OR MISAPPROPRIATED IN THE ABUSE OR MISUSE OF THE PERSON'S  
8 OFFICE THAT IS COMMITTED ON OR AFTER JULY 1, 2025, THE COURT SHALL  
9 CONDUCT A HEARING IN A SEPARATE CIVIL PROCEEDING TO DETERMINE IF  
10 ALL OF THE CONDITIONS HAVE BEEN MET; TO PROVIDE THAT IF ALL OF THE  
11 CONDITIONS HAVE BEEN MET, THE COURT SHALL ISSUE AN ORDER THAT THE  
12 MEMBER'S RETIREMENT BENEFITS FROM THE SYSTEM OR PLAN BE SUSPENDED;  
13 TO PROVIDE THAT A MEMBER WHO IS CONVICTED OF SUCH A FELONY SHALL  
14 NOT HAVE HIS OR HER RETIREMENT BENEFITS FROM THE SYSTEM OR PLAN  
15 SUSPENDED UNTIL ALL APPEALS OF THE CONVICTION HAVE BEEN FINALLY  
16 CONCLUDED OR THE TIME FOR AN APPEAL FROM THE CONVICTION HAS  
17 EXPIRED; TO PROVIDE THAT AFTER RECEIVING THE SUSPENSION ORDER FROM  
18 THE COURT, THE SYSTEM SHALL REQUEST THE ATTORNEY GENERAL FOR A  
19 DETERMINATION OF WHETHER ALL APPEALS OF THE CONVICTION HAVE BEEN  
20 FINALLY CONCLUDED OR THE TIME FOR AN APPEAL FROM THE CONVICTION  
21 HAS EXPIRED; TO PROVIDE THAT AFTER THE ATTORNEY GENERAL NOTIFIES  
22 THE SYSTEM THAT ALL APPEALS OF THE CONVICTION HAVE BEEN FINALLY  
23 CONCLUDED OR THE TIME FOR AN APPEAL FROM THE CONVICTION HAS  
24 EXPIRED, THE MEMBER'S RETIREMENT BENEFITS FROM THE SYSTEM OR PLAN  
25 SHALL BE SUSPENDED UNTIL THE MEMBER HAS MADE FULL RESTITUTION OF  
26 THE PUBLIC FUNDS THAT WERE UNLAWFULLY TAKEN, OBTAINED OR  
27 MISAPPROPRIATED IN THE ABUSE OR MISUSE OF THE MEMBER'S OFFICE, AS  
28 DETERMINED BY THE ATTORNEY GENERAL; TO PROVIDE THAT IF A MEMBER OF  
29 THE SYSTEM OR PLAN IS ALSO A MEMBER OF ANOTHER RETIREMENT SYSTEM  
30 ADMINISTERED BY THE BOARD OF TRUSTEES OF THE SYSTEM, AND THE  
31 FELONY FOR WHICH THE MEMBER WAS CONVICTED OR ENTERED A PLEA OF  
32 GUILTY OR NOLO CONTENDERE WAS IN CONNECTION WITH THE MEMBER'S  
33 SERVICE AS AN ELECTED OFFICIAL THAT IS COVERED BY ONLY ONE OF THE  
34 RETIREMENT SYSTEMS, THE MEMBER'S RETIREMENT BENEFITS WILL BE



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

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

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

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

58 (2) (a) If an active member of the system who is an elected  
59 official is convicted of or enters a plea of guilty or nolo  
60 contendere in any court of this state to a felony involving public  
61 funds that is committed on or after July 1, 2025; or

62 (b) If a retired member of the system who is elected to  
63 public office after retirement and employed under Section  
64 25-11-127 is convicted of or enters a plea of guilty or nolo  
65 contendere in any court of this state to a felony involving public  
66 funds that is committed during the member's employment under  
67 Section 25-11-127 and is committed on or after July 1, 2025; or



68 (c) If a retired member of the system who was an  
69 elected official, or a member of the system who was an elected  
70 official and has withdrawn from service but is not receiving a  
71 retirement allowance from the system, is convicted of or enters a  
72 plea of guilty or nolo contendere in any court of this state to a  
73 felony involving public funds that was committed while the member  
74 was an elected official on or after July 1, 2025, the court shall  
75 conduct a hearing in a separate civil proceeding to determine if  
76 all of the conditions in this subsection have been met. The court  
77 shall provide notice of the hearing to the member and each person  
78 who is named as a beneficiary of the member in the records of the  
79 system. If, after the hearing, the court determines that all of  
80 the conditions in this subsection have been met, the court shall  
81 issue an order that the member's retirement benefits from the  
82 system be suspended as provided in this section. The court shall  
83 send a copy of its suspension order to the system.

84 (3) (a) If an active member of the system who is an elected  
85 official is convicted of or enters a plea of guilty or nolo  
86 contendere in a court of another state or a federal court to a  
87 crime that would be a felony under the laws of this state if the  
88 crime were committed in this state, and that is a felony involving  
89 public funds and is committed on or after July 1, 2025; or

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



93 contendere in a court of another state or a federal court to a  
94 crime that would be a felony under the laws of this state if the  
95 crime were committed in this state, and that is a felony involving  
96 public funds that is committed during the member's employment  
97 under Section 25-11-127 and is committed on or after July 1, 2025;  
98 or

99 (c) If a retired member of the system who was an  
100 elected official, or a member of the system who was an elected  
101 official and has withdrawn from service but is not receiving a  
102 retirement allowance from the system, is convicted of or enters a  
103 plea of guilty or nolo contendere in a court of another state or a  
104 federal court to a crime that would be a felony under the laws of  
105 this state if the crime were committed in this state, and that is  
106 a felony involving public funds that was committed while the  
107 member was an elected official on or after July 1, 2025, the  
108 Attorney General of Mississippi shall enter a motion in the  
109 circuit court of the county of residence of the member, or in the  
110 Circuit Court of the First Judicial District of Hinds County,  
111 Mississippi, if the member does not reside in Mississippi, for  
112 suspension of the member's retirement benefits from the system as  
113 provided in this section. The court shall conduct a civil hearing  
114 to determine if all of the conditions in this subsection have been  
115 met. The court shall provide notice of the hearing to the member  
116 and each person who is named as a beneficiary of the member in the  
117 records of the system. If, after the hearing, the court



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

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

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



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

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

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

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



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

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

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



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

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

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

201 (2) (a) If an active member of the plan is convicted of or  
202 enters a plea of guilty or nolo contendere in any court of this  
203 state to a felony involving public funds that is committed on or  
204 after July 1, 2025; or

205 (b) If a retired member of the plan, or a member of the  
206 plan who is not serving in the State Legislature or as President  
207 of the Senate but is not receiving a retirement allowance from the  
208 plan, is convicted of or enters a plea of guilty or nolo  
209 contendere in any court of this state to a felony involving public  
210 funds that was committed while the member was serving in the State  
211 Legislature or as President of the Senate on or after July 1,  
212 2025, the court shall conduct a hearing in a separate civil  
213 proceeding to determine if all of the conditions in this  
214 subsection have been met. The court shall provide notice of the  
215 hearing to the member and each person who is named as a  
216 beneficiary of the member in the records of the system. If, after





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

222 (3) (a) If an active member of the plan is convicted of or  
223 enters a plea of guilty or nolo contendere in a court of another  
224 state or a federal court to a crime that would be a felony under  
225 the laws of this state if the crime were committed in this state,  
226 and that is a felony involving public funds and is committed on or  
227 after July 1, 2025; or

228 (b) If a retired member of the plan, or a member of the  
229 plan who is not serving in the State Legislature or as President  
230 of the Senate but is not receiving a retirement allowance from the  
231 plan, is convicted of or enters a plea of guilty or nolo  
232 contendere in a court of another state or a federal court to a  
233 crime that would be a felony under the laws of this state if the  
234 crime were committed in this state, and that is a felony involving  
235 public funds that was committed while the member was serving in  
236 the State Legislature or as President of the Senate on or after  
237 July 1, 2025, the Attorney General of Mississippi shall enter a  
238 motion in the circuit court of the county of residence of the  
239 member, or in the Circuit Court of the First Judicial District of  
240 Hinds County, Mississippi, if the member does not reside in  
241 Mississippi, for suspension of the member's retirement benefits



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

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

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



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

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

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

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



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

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



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

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

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

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



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

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

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



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

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

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

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

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



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

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

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





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

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

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



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

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

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

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

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



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

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

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

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

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



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

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

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



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

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

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

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



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

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

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

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

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

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



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

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

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

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



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

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

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

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

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

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





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

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

622 **SECTION 8.** This act shall take effect and be in force from  
623 and after July 1, 2025.

