

By: Representative McMillan

To: State Affairs;
Appropriations A

HOUSE BILL NO. 782

1 AN ACT TO AMEND SECTION 25-11-109, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE FOR A FIRST RESPONDERS RETIREMENT INCENTIVE UNDER WHICH
3 LAW ENFORCEMENT OFFICERS AND FIREFIGHTERS WHO BECAME MEMBERS OF
4 THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM ON OR AFTER JULY 1, 2011,
5 AND WHO HAVE AT LEAST FOUR YEARS OF MEMBERSHIP SERVICE CREDIT
6 SHALL BE ENTITLED TO RECEIVE ONE ADDITIONAL YEAR OF CREDITABLE
7 SERVICE FOR EVERY FIVE YEARS OF SERVICE AS A FIRST RESPONDER IN
8 THE STATE OF MISSISSIPPI, AT NO COST TO THE MEMBER; TO AMEND
9 SECTION 25-11-127, MISSISSIPPI CODE OF 1972, TO AUTHORIZE RETIRED
10 MEMBERS OF THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM TO BE EMPLOYED
11 AS A LAW ENFORCEMENT OFFICER WITH A LAW ENFORCEMENT DEPARTMENT
12 THAT HAS A CRITICAL NEED FOR OR SHORTAGE OF LAW ENFORCEMENT
13 OFFICERS AND DRAW THE FULL AMOUNT OF THE RETIREMENT ALLOWANCE,
14 DURING WHICH TIME THE RETIREE MAY WORK THE FULL NUMBER OF NORMAL
15 WORKING DAYS FOR THE POSITION AND RECEIVE THE FULL AMOUNT OF THE
16 SALARY IN EFFECT FOR THE POSITION AT THE TIME OF EMPLOYMENT; AND
17 FOR RELATED PURPOSES.

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

19 **SECTION 1.** Section 25-11-109, Mississippi Code of 1972, is
20 amended as follows:

21 25-11-109. (1) Under such rules and regulations as the
22 board of trustees shall adopt, each person who becomes a member of
23 this retirement system, as provided in Section 25-11-105, on or
24 before July 1, 1953, or who became a member of the system before
25 July 1, 2007, and contributes to the system for a minimum period



26 of four (4) years, or who became a member of the system on or
27 after July 1, 2007, and contributes to the system for a minimum
28 period of eight (8) years, shall receive credit for all state
29 service rendered before February 1, 1953. To receive that credit,
30 the member shall file a detailed statement of all services as an
31 employee rendered by him in the state service before February 1,
32 1953. For any member who joined the system after July 1, 1953,
33 and before July 1, 2007, any creditable service for which the
34 member is not required to make contributions shall not be credited
35 to the member until the member has contributed to the system for a
36 minimum period of at least four (4) years. For any member who
37 joined the system on or after July 1, 2007, any creditable service
38 for which the member is not required to make contributions shall
39 not be credited to the member until the member has contributed to
40 the system for a minimum period of at least eight (8) years.

41 (2) (a) (i) In the computation of creditable service for
42 service rendered before July 1, 2017, under the provisions of this
43 article, the total months of accumulative service during any
44 fiscal year shall be calculated in accordance with the schedule as
45 follows: ten (10) or more months of creditable service during any
46 fiscal year shall constitute a year of creditable service; seven
47 (7) months to nine (9) months inclusive, three-quarters (3/4) of a
48 year of creditable service; four (4) months to six (6) months
49 inclusive, one-half (1/2) year of creditable service; one (1)



month to three (3) months inclusive, one-quarter (1/4) of a year of creditable service.

(ii) In the computation of creditable service rendered on or after July 1, 2017, under the provisions of this article, service credit shall be awarded in monthly increments in a manner prescribed by regulations of the board.

(b) In no case shall credit be allowed for any period of absence without compensation except for disability while in receipt of a disability retirement allowance, nor shall less than fifteen (15) days of service in any month, or service less than the equivalent of one-half (1/2) of the normal working load for the position and less than one-half (1/2) of the normal compensation for the position in any month, constitute a month of creditable service, nor shall more than one (1) year of service be creditable for all services rendered in any one (1) fiscal year; however, for a school employee, substantial completion of the legal school term when and where the service was rendered shall constitute a year of service credit. Any state or local elected official shall be deemed a full-time employee for the purpose of creditable service. However, an appointed or elected official compensated on a per diem basis only shall not be allowed creditable service for terms of office.

(c) In the computation of any retirement allowance or any annuity or benefits provided in this article, any fractional period of service of less than one (1) year shall be taken into



75 account and a proportionate amount of such retirement allowance,
76 annuity or benefit shall be granted for any such fractional period
77 of service.

78 (d) (i) In the computation of unused leave for
79 creditable service authorized in Section 25-11-103, the following
80 shall govern for members who retire before July 1, 2017:
81 twenty-one (21) days of unused leave shall constitute one (1)
82 month of creditable service and in no case shall credit be allowed
83 for any period of unused leave of less than fifteen (15) days.
84 The number of months of unused leave shall determine the number of
85 quarters or years of creditable service in accordance with the
86 above schedule for membership and prior service.

87 (ii) In the computation of unused leave for
88 creditable service authorized in Section 25-11-103, the following
89 shall govern for members who retire on or after July 1, 2017:
90 creditable service for unused leave shall be calculated in monthly
91 increments in which one (1) month of service credit shall be
92 awarded for each twenty-one (21) days of unused leave, except that
93 the first fifteen (15) to fifty-seven (57) days of leave shall
94 constitute three (3) months of service for those who became a
95 member of the system before July 1, 2017.

96 (iii) In order for the member to receive
97 creditable service for the number of days of unused leave under
98 this paragraph, the system must receive certification from the
99 governing authority.



(e) For the purposes of this subsection, members of the system who retire on or after July 1, 2010, shall receive credit for one-half (1/2) day of leave for each full year of membership service accrued after June 30, 2010. The amount of leave received by a member under this paragraph shall be added to the lawfully credited unused leave for which creditable service is provided under Section 25-11-103(i).

(f) For the purpose of this subsection, for members of the system who are elected officers and who retire on or after July 1, 1987, the following shall govern:

(i) For service before July 1, 1984, the members shall receive credit for leave (combined personal and major medical) for service as an elected official before that date at the rate of thirty (30) days per year.

(ii) For service on and after July 1, 1984, the member shall receive credit for personal and major medical leave beginning July 1, 1984, at the rates authorized in Sections 25-3-93 and 25-3-95, computed as a full-time employee.

(iii) If a member is employed in a covered nonelected position and a covered elected position simultaneously, that member may not receive service credit for accumulated unused leave for both positions at retirement for the period during which the member was dually employed. During the period during which the member is dually employed, the member shall only receive



credit for leave as provided for in this paragraph for an elected official.

(3) Subject to the above restrictions and to such other rules and regulations as the board may adopt, the board shall verify, as soon as practicable after the filing of such statements of service, the services therein claimed.

(4) Upon verification of the statement of prior service, the board shall issue a prior service certificate certifying to each member the length of prior service for which credit shall have been allowed on the basis of his statement of service. So long as membership continues, a prior service certificate shall be final and conclusive for retirement purposes as to such service, provided that any member may within five (5) years from the date of issuance or modification of such certificate request the board of trustees to modify or correct his prior service certificate. Any modification or correction authorized shall only apply prospectively.

When membership ceases, such prior service certificates shall become void. Should the employee again become a member, he shall enter the system as an employee not entitled to prior service credit except as provided in Sections 25-11-105(I), 25-11-113 and 25-11-117.

(5) Creditable service at retirement, on which the retirement allowance of a member shall be based, shall consist of the membership service rendered by him since he last became a



member, and also, if he has a prior service certificate that is in full force and effect, the amount of the service certified on his prior service certificate.

(6) Any member who served on active duty in the Armed Forces of the United States, who served in the Commissioned Corps of the United States Public Health Service before 1972 or who served in maritime service during periods of hostility in World War II, shall be entitled to creditable service at no cost for his service on active duty in the Armed Forces, in the Commissioned Corps of the United States Public Health Service before 1972 or in such maritime service, provided he entered state service after his discharge from the Armed Forces or entered state service after he completed such maritime service. The maximum period for such creditable service for all military service as defined in this subsection (6) shall not exceed four (4) years unless positive proof can be furnished by such person that he was retained in the Armed Forces during World War II or in maritime service during World War II by causes beyond his control and without opportunity of discharge. The member shall furnish proof satisfactory to the board of trustees of certification of military service or maritime service records showing dates of entrance into active duty service and the date of discharge. From and after July 1, 1993, no creditable service shall be granted for any military service or maritime service to a member who qualifies for a retirement allowance in another public retirement system administered by the



Board of Trustees of the Public Employees' Retirement System based, in whole or in part, on such military or maritime service. In no case shall the member receive creditable service if the member received a dishonorable discharge from the Armed Forces of the United States.

(7) (a) Any member of the Public Employees' Retirement System whose membership service is interrupted as a result of qualified military service within the meaning of Section 414(u) (5) of the Internal Revenue Code, and who has received the maximum service credit available under subsection (6) of this section, shall receive creditable service for the period of qualified military service that does not qualify as creditable service under subsection (6) of this section upon reentering membership service in an amount not to exceed five (5) years if:

(i) The member pays the contributions he would have made to the retirement system if he had remained in membership service for the period of qualified military service based upon his salary at the time his membership service was interrupted;

(ii) The member returns to membership service within ninety (90) days of the end of his qualified military service; and

(iii) The employer at the time the member's service was interrupted and to which employment the member returns pays the contributions it would have made into the retirement



199 system for such period based on the member's salary at the time
200 the service was interrupted.

201 (b) The payments required to be made in paragraph
202 (a)(i) of this subsection may be made over a period beginning with
203 the date of return to membership service and not exceeding three
204 (3) times the member's qualified military service; however, in no
205 event shall such period exceed five (5) years.

206 (c) The member shall furnish proof satisfactory to the
207 board of trustees of certification of military service showing
208 dates of entrance into qualified service and the date of discharge
209 as well as proof that the member has returned to active employment
210 within the time specified.

211 (8) Any member of the Public Employees' Retirement System
212 who became a member of the system before July 1, 2007, and who has
213 at least four (4) years of membership service credit, or who
214 became a member of the system on or after July 1, 2007, and who
215 has at least eight (8) years of membership service credit, shall
216 be entitled to receive a maximum of five (5) years' creditable
217 service for service rendered in another state as a public employee
218 of such other state, or a political subdivision, public education
219 system or other governmental instrumentality thereof, or service
220 rendered as a teacher in American overseas dependent schools
221 conducted by the Armed Forces of the United States for children of
222 citizens of the United States residing in areas outside the
223 continental United States, provided that:



224 (a) The member shall furnish proof satisfactory to the
225 board of trustees of certification of such services from the
226 state, public education system, political subdivision or
227 retirement system of the state where the services were performed
228 or the governing entity of the American overseas dependent school
229 where the services were performed; and

230 (b) The member is not receiving or will not be entitled
231 to receive from the public retirement system of the other state or
232 from any other retirement plan, including optional retirement
233 plans, sponsored by the employer, a retirement allowance including
234 such services; and

235 (c) The member shall pay to the retirement system on
236 the date he or she is eligible for credit for such out-of-state
237 service or at any time thereafter before the date of retirement
238 the actuarial cost as determined by the actuary for each year of
239 out-of-state creditable service. The provisions of this
240 subsection are subject to the limitations of Section 415 of the
241 Internal Revenue Code and regulations promulgated under that
242 section.

243 (9) Any member of the Public Employees' Retirement System
244 who became a member of the system before July 1, 2007, and has at
245 least four (4) years of membership service credit, or who became a
246 member of the system on or after July 1, 2007, and has at least
247 eight (8) years of membership service credit, and who receives, or
248 has received, professional leave without compensation for



professional purposes directly related to the employment in state service shall receive creditable service for the period of professional leave without compensation provided:

(a) The professional leave is performed with a public institution or public agency of this state, or another state or federal agency;

(b) The employer approves the professional leave showing the reason for granting the leave and makes a determination that the professional leave will benefit the employee and employer;

(c) Such professional leave shall not exceed two (2) years during any ten-year period of state service;

(d) The employee shall serve the employer on a full-time basis for a period of time equivalent to the professional leave period granted immediately following the termination of the leave period;

(e) The contributing member shall pay to the retirement system the actuarial cost as determined by the actuary for each year of professional leave. The provisions of this subsection are subject to the regulations of the Internal Revenue Code limitations;

(f) Such other rules and regulations consistent herewith as the board may adopt and in case of question, the board shall have final power to decide the questions.



Any actively contributing member participating in the School Administrator Sabbatical Program established in Section 37-9-77 shall qualify for continued participation under this subsection (9).

(10) Any member of the Public Employees' Retirement System who became a member of the system before July 1, 2007, and has at least four (4) years of credited membership service, or who became a member of the system on or after July 1, 2007, and has at least eight (8) years of credited membership service, shall be entitled to receive a maximum of ten (10) years creditable service for:

(a) Any service rendered as an employee of any political subdivision of this state, or any instrumentality thereof, that does not participate in the Public Employees' Retirement System; or

(b) Any service rendered as an employee of any political subdivision of this state, or any instrumentality thereof, that participates in the Public Employees' Retirement System but did not elect retroactive coverage; or

(c) Any service rendered as an employee of any political subdivision of this state, or any instrumentality thereof, for which coverage of the employee's position was or is excluded; provided that the member pays into the retirement system the actuarial cost as determined by the actuary for each year, or portion thereof, of such service. After a member has made full payment to the retirement system for all or any part of such



service, the member shall receive creditable service for the period of such service for which full payment has been made to the retirement system.

(11) This subsection shall be known as the First Responders Retirement Incentive. Any member who is a first responder as defined in Section 25-15-403, who became a member of the system on or after July 1, 2011, and who has at least four (4) years of membership service credit shall be entitled to receive one (1) additional year of creditable service for every five (5) years of service as a first responder in the State of Mississippi, at no cost to the member. However, in order for a member to use any of the creditable service provided under this subsection in order to have the minimum number of years of creditable service for retirement, the member must be in good standing and not have any felony convictions at the time of retirement.

SECTION 2. Section 25-11-127, Mississippi Code of 1972, is amended as follows:

25-11-127. (1) (a) No person who is being paid a retirement allowance or a pension after retirement under this article shall be employed or paid for any service by the State of Mississippi, including services as an employee, contract worker, contractual employee or independent contractor, until the retired person has been retired for not less than ninety (90) consecutive days from his or her effective date of retirement. After the person has been retired for not less than ninety (90) consecutive



days from his or her effective date of retirement or such later date as established by the board, he or she may be reemployed while being paid a retirement allowance under the terms and conditions provided in this section or in Section 25-11-126.

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

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

(2) Except as otherwise provided in Section 25-11-126, any person who has been retired under the provisions of Article 3 and who is later reemployed in service covered by this article shall cease to receive benefits under this article and shall again become a contributing member of the retirement system. When the person retires again, if the reemployment exceeds six (6) months, the person shall have his or her benefit recomputed, including service after again becoming a member, provided that the total retirement allowance paid to the retired member in his or her previous retirement shall be deducted from the member's retirement reserve and taken into consideration in recalculating the retirement allowance under a new option selected.

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



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

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

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

To determine the normal working days for a position under paragraph (a) of this subsection, the employer shall determine the required number of working days for the position on a full-time basis and the equivalent number of hours representing the full-time position. The retiree then may work up to one-half (1/2) of the required number of working days or up to one-half (1/2) of the equivalent number of hours and receive up to one-half (1/2) of the salary for the position. In the case of employment with multiple employers, the limitation shall equal one-half (1/2) of the number of days or hours for a single full-time position.

Notice shall be given in writing to the executive director, setting forth the facts upon which the employment is being made, and the notice shall be given within five (5) days from the date



of employment and also from the date of termination of the employment.

(5) The provisions of this section shall not be construed to prohibit any retiree, regardless of age, from being employed as a law enforcement officer with a law enforcement department that has a critical need for or shortage of law enforcement officers and drawing the full amount of the retiree's retirement allowance, during which time the retiree may work the full number of normal working days for the position and receive the full amount of the salary in effect for the position at the time of employment. Before a retiree may be employed by a law enforcement department under this subsection, the department must provide satisfactory evidence with quantifiable numbers to the Public Employees' Retirement System of the existence of a critical need for or shortage of law enforcement officers in the department. For the purposes of this subsection, "law enforcement officer" means any person who has met the minimum educational and training standards established by the Board on Law Enforcement Officer Standards and Training for permanent, full-time law enforcement officers and has received a certificate from that board.

(6) Except as otherwise provided in subsection (* * *7) of this section, the employer of any person who is receiving a retirement allowance and who is employed in service covered by subsection (4) and (5) of this section as an employee or a contractual employee shall pay to the board the full amount of the



397 employer's contribution on the amount of compensation received by
398 the retiree for his or her employment in accordance with
399 regulations prescribed by the board. The retiree shall not
400 receive any additional creditable service in the retirement system
401 as a result of the payment of the employer's contribution. This
402 subsection does not apply to persons who are receiving a
403 retirement allowance and who contract with an employer to provide
404 services as a true independent contractor, as defined by the board
405 through regulation.

406 (* * *7) (a) A member may retire and continue in municipal
407 or county elective office provided that the member has reached the
408 age and/or service requirement that will not result in a
409 prohibited in-service distribution as defined by the Internal
410 Revenue Service, or a retiree may be elected to a municipal or
411 county office, provided that the person:

412 (i) Files annually, in writing, in the office of
413 the employer and the office of the executive director of the
414 system before the person takes office or as soon as possible after
415 retirement, a waiver of all salary or compensation and elects to
416 receive in lieu of that salary or compensation a retirement
417 allowance as provided in this section, in which event no salary or
418 compensation shall thereafter be due or payable for those
419 services; however, any such officer or employee may receive, in
420 addition to the retirement allowance, office expense allowance,



mileage or travel expense authorized by any statute of the State of Mississippi; or

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

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

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

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

SECTION 3. This act shall take effect and be in force from and after July 1, 2025.

