

By: Representative Denny

To: Appropriations

## HOUSE BILL NO. 302

1 AN ACT TO AMEND SECTION 25-13-17, MISSISSIPPI CODE OF 1972,  
2 TO AUTHORIZE MEMBERS OF THE HIGHWAY SAFETY PATROL RETIREMENT  
3 SYSTEM TO RECEIVE CREDITABLE SERVICE IN THAT SYSTEM AT NO COST FOR  
4 PREVIOUS SERVICE AS A LAW ENFORCEMENT OFFICER FOR ANOTHER  
5 JURISDICTION OR ENTITY; TO AMEND SECTION 25-11-137, MISSISSIPPI  
6 CODE OF 1972, TO CONFORM TO THE PRECEDING PROVISION; AND FOR  
7 RELATED PURPOSES.

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

9 **SECTION 1.** Section 25-13-17, Mississippi Code of 1972, is  
10 amended as follows:

11 25-13-17. (1) All persons who are covered under the terms  
12 of this chapter on July 1, 1958, and who become members of the  
13 retirement system shall cease to be members under the provisions  
14 of Sections 25-11-101 through 25-11-139 upon July 1, 1958, and  
15 shall become members of this retirement system with full credit  
16 for all prior service with the Highway Safety Patrol.

17 (2) In computing the period of service of a member of the  
18 Highway Safety Patrol, any member who served on active duty in the  
19 Armed Forces of the United States, or who served in maritime  
20 service during periods of hostility in World War II, shall be  
21 entitled to creditable service at no cost for his service on  
22 active duty in the Armed Forces or in that maritime service,  
23 provided he entered state service after his discharge from the  
24 Armed Forces or entered state service after he completed that  
25 maritime service. The maximum period for that creditable service  
26 for all military service as defined in this subsection (2) shall  
27 not exceed four (4) years, unless positive proof can be furnished  
28 by the person that he was retained in the Armed Forces during  
29 World War II or in maritime service during World War II, by causes

30 beyond his control and without opportunity of discharge. The  
31 member shall furnish proof satisfactory to the Board of Trustees  
32 of the Public Employees' Retirement System of certification of  
33 military service or maritime service records showing dates of  
34 entrance into active duty service and the date of discharge. No  
35 creditable service shall be granted for any military service or  
36 maritime service to a member who qualifies for a retirement  
37 allowance in another public retirement system administered by the  
38 Board of Trustees of the Public Employees' Retirement System based  
39 in whole or in part on that military or maritime service. In no  
40 case shall the member receive creditable service if the member  
41 received a dishonorable discharge from the Armed Forces of the  
42 United States.

43 The credit for military service granted in this subsection  
44 shall apply to all persons who have retired from the Highway  
45 Patrol and who qualify for credit as outlined above, whether they  
46 retired before or after July 1, 2000; but this provision shall not  
47 operate to require any back payments of retirement.

48 (3) (a) Any member of the Mississippi Highway Safety Patrol  
49 Retirement System whose membership service is interrupted as a  
50 result of qualified military service within the meaning of Section  
51 414(u)(5) of the Internal Revenue Code, and who has received the  
52 maximum service credit available under subsection (2) of this  
53 section, shall receive creditable service for the period of  
54 qualified military service that does not qualify as creditable  
55 service under subsection (2) of this section upon reentering  
56 membership service in an amount not to exceed five (5) years if:

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

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

65 (iii) The employer at the time the member's  
66 service was interrupted and to which employment the member returns  
67 pays the contributions it would have made into the retirement  
68 system for that period based on the member's salary at the time  
69 the service was interrupted.

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

75 (c) The member shall furnish proof satisfactory to the  
76 board of trustees of certification of military service showing  
77 dates of entrance into qualified service and the date of discharge  
78 as well as proof that the member has returned to active employment  
79 within the time specified.

80 (4) In computing the period of service of a member of the  
81 Highway Safety Patrol, any member who served as a law enforcement  
82 officer for a jurisdiction or entity other than the Highway Safety  
83 Patrol shall be entitled to creditable service at no cost for that  
84 service as a law enforcement officer, provided that the member  
85 entered employment with the Highway Safety Patrol after he  
86 completed that service as a law enforcement officer. The maximum  
87 period for that creditable service for all previous service as a  
88 law enforcement officer shall not exceed four (4) years. The  
89 member shall furnish proof satisfactory to the Board of Trustees  
90 of the Public Employees' Retirement System of records of the  
91 member's service as a law enforcement officer. No creditable  
92 service shall be granted for any service as a law enforcement  
93 officer to a member who qualifies for a retirement allowance in  
94 another public retirement system administered by the Board of

95 Trustees of the Public Employees' Retirement System based in whole  
96 or in part on that service as a law enforcement officer.

97 **SECTION 2.** Section 25-11-137, Mississippi Code of 1972, is  
98 amended as follows:

99 25-11-137. (1) (a) Any law enforcement officer or fireman  
100 who has been covered under this article or under Section 21-29-101  
101 et seq., Section 21-29-201 et seq., or Section 25-13-1 et seq.,  
102 and who changes his employment from one jurisdiction to another  
103 jurisdiction, or has previously made that change, may elect to  
104 transfer retirement service credit earned while covered under the  
105 retirement system of the former jurisdiction to that of the latter  
106 as provided in this section.

107 (b) Any law enforcement officer or fireman transferring  
108 as described in paragraph (a) of this subsection and having paid  
109 retirement funds under this article or under Section 21-29-101 et  
110 seq., Section 21-29-201 et seq., or Section 25-13-1 et seq., must  
111 pay into the retirement system to which he is transferring the  
112 full amount of employee contributions that he would have paid into  
113 that system if he had been a member of that system for each year  
114 of creditable service that is being transferred, together with  
115 regular interest that would have been earned by that system on  
116 those contributions, and he must also pay, or the system from  
117 which he is transferring must pay, into the system to which he is  
118 being transferred, an amount equal to that which the employer  
119 would have paid if he had been a member of that system for each  
120 year transferred, together with regular interest that would have  
121 been earned by that system on those contributions. The retirement  
122 system from which he is being transferred shall be required to pay  
123 into the system to which he is transferring any funds credited to  
124 his account. Any additional funds that may be required shall be  
125 paid by the person being transferred. Those payments may be made  
126 in quarterly increments. Failure to make these proper adjustment  
127 payments will void any transfer of service credits.

128           (2) The benefits that are being currently paid by the system  
129 in which the law enforcement officer or fireman has last been a  
130 member, and the requirements for retirement or disability  
131 benefits, shall be those applicable to the officer falling under  
132 the provisions of this section. Any law enforcement officer or  
133 fireman who elects to transfer retirement service credit may  
134 immediately transfer the funds and service as provided for in  
135 subsection (1) of this section; however, the amounts that are  
136 transferred by the law enforcement officer or fireman and his  
137 employer, if applicable, and the service credit related to the  
138 transfer of funds, shall not be used in any benefit calculation or  
139 determination of eligibility for benefits until the person has  
140 remained a contributing member of the retirement system to which  
141 he is transferring for the minimum period necessary to qualify for  
142 a monthly retirement allowance or benefit. Upon the complete  
143 transfer and payment of that credit, all time spent in the covered  
144 law enforcement or fire department service, as noted above, within  
145 and for the State of Mississippi or the political subdivisions  
146 thereof, shall apply to the time required by law necessary to  
147 effect the retirement or disability of the officer.

148           (3) The provisions of this section requiring the payment of  
149 employee and employer contributions from one (1) retirement system  
150 to another shall not apply in the case of creditable service  
151 received by members of the Highway Safety Patrol Retirement System  
152 for previous service as a law enforcement officer, as provided in  
153 Section 25-13-17(4).

154           **SECTION 3.** This act shall take effect and be in force from  
155 and after July 1, 2005.