

By: Senator(s) Tollison

To: Finance

SENATE BILL NO. 2583

1 AN ACT TO AMEND SECTION 25-11-106, MISSISSIPPI CODE OF 1972,  
2 TO PROVIDE THAT ANY CURRENT OR FORMER CONSTABLE WHO ELECTS TO MAKE  
3 PAYMENTS TO COVER EMPLOYER AND EMPLOYEE CONTRIBUTIONS AND INTEREST  
4 ON ALL FEES AND COUNTY INCOME FROM COVERED SERVICE BEFORE JANUARY  
5 1, 2006, THAT HAVE NOT BEEN PAID, MUST MAKE SUCH PAYMENTS TO THE  
6 SYSTEM BY NOT LATER THAN APRIL 15, 2016; AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** Section 25-11-106, Mississippi Code of 1972, is  
9 amended as follows:

10 25-11-106. (1) (a) Any constable in office as of July 1,  
11 2005, whose position is covered in the Public Employees'  
12 Retirement System by virtue of a plan submitted and approved under  
13 Section 25-11-105(f) will remain a member of the Public Employees'  
14 Retirement System.

15 (b) The county is responsible for employer  
16 contributions on all direct payments to the constable from the  
17 county and the constable is responsible for the employee  
18 contributions on those payments. From and after January 1, 2006,  
19 in cases in which the constable is responsible for both the  
20 employer and employee contributions on net fee income, the county  
21 shall withhold from fee income due to the constable a percentage  
22 amount, as set by the board, of the gross fee income paid to the  
23 constable as estimated retirement contributions and shall remit  
24 that amount to the system. Not later than the date on which the  
25 annual report of earnings is due to be filed with the Secretary of  
26 State, the constable shall submit to the system a copy of the  
27 earnings record and make complete payment of required  
28 contributions on net earnings from his office, but not less than  
29 the contributions due on the governmental treasuries paid by the

30 county in the prior calendar year. If the constable fails to make  
31 full payment at the time required, the system shall certify the  
32 delinquency to the county and the county shall withhold any and  
33 all payments and fees due to the constable until such time as his  
34 retirement contributions are fully reported and made.

35 (2) Any current or former constable for whom appropriate  
36 employer and employee contributions and interest on all fees and  
37 county income from covered service before January 1, 2006, have  
38 not been made shall do one (1) of the following:

39 (a) Make the required payments or enter into an  
40 irrevocable agreement by not later than December 31, 2005, to make  
41 the payments for all calendar years before January 1, 2006.  
42 Contributions and interest due and owing for covered services  
43 before January 1, 2006, must be received by the system not later  
44 than April 15, 2016, or such date as set forth in the payment  
45 schedule mutually adopted by the member and the system.

46 (b) Elect, before December 31, 2005, not to pay  
47 delinquent employee and employer contributions and applicable  
48 interest for service as a constable before January 1, 2006. By  
49 making this election, the current or former constable shall  
50 irrevocably forfeit that service credit so as to be relieved of  
51 the liability for additional employer and employee contributions  
52 and applicable interest.

53 (3) Where a current or former constable fails to make  
54 required contributions as provided in subsection (2)(a) of this  
55 section, or where a current or former constable irrevocably elects  
56 to forfeit service credit as provided in subsection (2)(b) of this  
57 section, all employer and employee contributions previously paid  
58 on that service shall be credited to the county as the reporting  
59 entity to be distributed as appropriate between the county and the  
60 constable or former constable. No further contributions shall be  
61 due on that past service and any credit on that past service shall

62 be removed from the member's record and may not be reinstated at  
63 any time in the future.

64         **SECTION 2.** This act shall take effect and be in force from  
65 and after its passage.