

By: Senator(s) Morgan

To: Finance

SENATE BILL NO. 2841

1 AN ACT TO AMEND SECTION 37-6-13, MISSISSIPPI CODE OF 1972, TO
2 AUTHORIZE MEMBERS OF SCHOOL BOARD TO BECOME MEMBERS OF THE PUBLIC
3 EMPLOYEES RETIREMENT SYSTEM; TO AMEND SECTION 25-11-109,
4 MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; AND FOR RELATED
5 PURPOSES.

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

7 **SECTION 1.** Section 37-6-13, Mississippi Code of 1972, is
8 amended as follows:

9 37-6-13. (1) Each person serving as a member of the school
10 board of any school district shall receive per diem in the amount
11 of Sixty-seven Dollars (\$67.00) for no more than thirty-six (36)
12 meetings of the school board during any one (1) fiscal year or, in
13 his or her discretion, irrevocably may choose to receive as
14 compensation for his or her services an annual salary in the
15 amount of Two Thousand Four Hundred Dollars (\$2,400.00), which
16 choice shall remain in force for all successive terms or periods
17 of service of that member. The receipt of the compensation shall
18 not entitle any member of a school board to receive or be eligible
19 for any state employee group insurance * * * or other fringe
20 benefits; however, any member of a school board may become a
21 member of the Public Employees' Retirement System if that school
22 board member meets the eligibility requirements prescribed under
23 Article 3, Chapter 11, Title 25, Mississippi Code of 1972. Each
24 member shall be reimbursed for the necessary expenses and mileage
25 in attending meetings of the school board. In addition to the
26 foregoing, all members may be reimbursed for mileage and actual
27 expenses incurred in the further performance of their duties,
28 including attendance at any mandatory school board training

29 session or at regional and national education meetings, when the
30 mileage and other expenses are authorized by the board prior to
31 the date on which they occur. Detailed vouchers shall be
32 submitted for reimbursement for all expenses authorized by this
33 section. The reimbursement shall be in accordance with Section
34 25-3-41.

35 The expenses shall be paid on order of the school board by
36 pay certificates issued by the superintendent of the school
37 district involved against the funds available for payment of the
38 administrative expense of the district.

39 (2) (a) If a member of a school board misses twenty percent
40 (20%) or more of the meetings of the school board during a
41 calendar year, except for absences caused by required military
42 duty, the member must reimburse the school district that portion
43 of the total salary paid to the member that year which is
44 proportionate to the number of meetings missed by the member in
45 relation to the total number of school board meetings held during
46 that year. For purposes of this subsection, consideration may be
47 given only to meetings of which public notice is required.

48 (b) Before February 1 of each year, the president of
49 each local school board shall submit a report to the State Board
50 of Education containing the names of any members of the school
51 board who missed twenty percent (20%) or more of the school board
52 meetings during the preceding calendar year.

53 **SECTION 2.** Section 25-11-109, Mississippi Code of 1972, is
54 amended as follows:

55 25-11-109. (1) Under such rules and regulations as the
56 board * * * shall adopt, each person who becomes a member of this
57 retirement system, as provided in Section 25-11-105, on or prior
58 to July 1, 1953, or who becomes a member and contributes to the
59 system for a minimum period of four (4) years, shall receive
60 credit for all state service rendered before February 1, 1953. To
61 receive the credit, the member shall file a detailed statement of

62 all services as an employee rendered by him in the state service
63 before February 1, 1953. For any member who joined the system
64 after July 1, 1953, any creditable service for which the member is
65 not required to make contributions shall not be credited to the
66 member until the member has contributed to the system for a
67 minimum period of at least four (4) years.

68 (2) In the computation of membership service or prior
69 service under the provisions of this article, the total months of
70 accumulative service during any fiscal year shall be calculated in
71 accordance with the schedule as follows: ten (10) or more months
72 of creditable service during any fiscal year shall constitute a
73 year of creditable service; seven (7) months to nine (9) months
74 inclusive, three-quarters (3/4) of a year of creditable service;
75 four (4) months to six (6) months inclusive, one-half-year of
76 creditable service; one (1) month to three (3) months inclusive,
77 one-quarter (1/4) of a year of creditable service. In no case
78 shall credit be allowed for any period of absence without
79 compensation except for disability while in receipt of a
80 disability retirement allowance, nor shall less than fifteen (15)
81 days of service in any month, or service less than the equivalent
82 of one-half (1/2) of the normal working load for the position and
83 less than one-half (1/2) of the normal compensation for the
84 position in any month, constitute a month of creditable service,
85 nor shall more than one (1) year of service be creditable for all
86 services rendered in any one (1) fiscal year; however, for a
87 school employee, substantial completion of the legal school term
88 when and where the service was rendered shall constitute a year of
89 service credit for both prior service and membership service. Any
90 state or local elected official shall be deemed a full-time
91 employee for the purpose of creditable service for prior service
92 or membership service. However, except as otherwise provided in
93 Section 37-6-13, an appointed or elected official compensated on a

94 per diem basis only shall not be allowed creditable service for
95 terms of office.

96 In the computation of any retirement allowance or any annuity
97 or benefits provided in this article, any fractional period of
98 service of less than one (1) year shall be taken into account and
99 a proportionate amount of the retirement allowance, annuity or
100 benefit shall be granted for the fractional period of service.

101 In the computation of unused leave for creditable service
102 authorized in Section 25-11-103, the following shall govern:
103 twenty-one (21) days of unused leave shall constitute one (1)
104 month of creditable service and in no case shall credit be allowed
105 for any period of unused leave of less than fifteen (15) days.
106 The number of months of unused leave shall determine the number of
107 quarters or years of creditable service in accordance with the
108 above schedule for membership and prior service. In order for the
109 member to receive creditable service for the number of days of
110 unused leave, the system must receive certification from the
111 governing authority.

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

115 (a) For service prior to July 1, 1984, the members
116 shall receive credit for leave (combined personal and major
117 medical) for service as an elected official prior to that date at
118 the rate of thirty (30) days per year.

119 (b) For service on and after July 1, 1984, the member
120 shall receive credit for personal and major medical leave
121 beginning July 1, 1984, at the rates authorized in Sections
122 25-3-93 and 25-3-95, computed as a full-time employee.

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

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

138 When membership ceases, the prior service certificates shall
139 become void. Should the employee again become a member, he shall
140 enter the system as an employee not entitled to prior service
141 credit except as provided in Sections 25-11-105(I), 25-11-113 and
142 25-11-117.

143 (5) Creditable service at retirement, on which the
144 retirement allowance of a member shall be based, shall consist of
145 the membership service rendered by him since he last became a
146 member, and also, if he has a prior service certificate which is
147 in full force and effect, the amount of the service certified on
148 his prior service certificate.

149 (6) Any member who served on active duty in the Armed Forces
150 of the United States, who served in the Commissioned Corps of the
151 United States Public Health Service prior to 1972 or who served in
152 maritime service during periods of hostility in World War II,
153 shall be entitled to creditable service at no cost for his service
154 on active duty in the Armed Forces, in the Commissioned Corps of
155 the United States Public Health Service prior to 1972 or in * * *
156 maritime service, provided he entered state service after his
157 discharge from the Armed Forces or entered state service after he
158 completed the maritime service. The maximum period for * * *
159 creditable service for all military service as defined in this

160 subsection (6) shall not exceed four (4) years unless positive
161 proof can be furnished by the person that he was retained in the
162 Armed Forces during World War II or in maritime service during
163 World War II by causes beyond his control and without opportunity
164 of discharge. The member shall furnish proof satisfactory to the
165 board * * * of certification of military service or maritime
166 service records showing dates of entrance into active duty service
167 and the date of discharge. From and after July 1, 1993, no
168 creditable service shall be granted for any military service or
169 maritime service to a member who qualifies for a retirement
170 allowance in another public retirement system administered by the
171 board * * * based in whole or in part on * * * military or
172 maritime service. In no case shall the member receive creditable
173 service if the member received a dishonorable discharge from the
174 Armed Forces of the United States.

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

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

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

192 (iii) The employer at the time the member's
193 service was interrupted and to which employment the member returns
194 pays the contributions it would have made into the retirement
195 system for the period based on the member's salary at the time the
196 service was interrupted.

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

202 (c) The member shall furnish proof satisfactory to the
203 board * * * of certification of military service showing dates of
204 entrance into qualified service and the date of discharge as well
205 as proof that the member has returned to active employment within
206 the time specified.

207 (8) Any member of the Public Employees' Retirement System
208 who has at least four (4) years of membership service credit shall
209 be entitled to receive a maximum of five (5) years creditable
210 service for service rendered in another state as a public employee
211 of the other state, or a political subdivision, public education
212 system or other governmental instrumentality thereof, or service
213 rendered as a teacher in American overseas dependent schools
214 conducted by the Armed Forces of the United States for children of
215 citizens of the United States residing in areas outside the
216 continental United States, provided that:

217 (a) The member shall furnish proof satisfactory to the
218 board * * * of certification of the service from the state, public
219 education system, political subdivision or retirement system of
220 the state where the services were performed or the governing
221 entity of the American overseas dependent school where the service
222 was performed; and

223 (b) The member is not receiving or will not be entitled
224 to receive from the public retirement system of the other state or

225 from any other retirement plan, including optional retirement
226 plans, sponsored by the employer, a retirement allowance including
227 the service; and

228 (c) The member shall pay to the retirement system on
229 the date he or she is eligible for credit for the out-of-state
230 service or at any time thereafter prior to date of retirement the
231 actuarial cost as determined by the actuary for each year of
232 out-of-state creditable service. The provisions of this
233 subsection are subject to the limitations of Section 415 of the
234 Internal Revenue Code and regulations promulgated thereunder.

235 (9) Any member of the Public Employees' Retirement System
236 who has at least four (4) years of membership service credit and
237 who receives, or has received, professional leave without
238 compensation for professional purposes directly related to the
239 employment in state service shall receive creditable service for
240 the period of professional leave without compensation provided:

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

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

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

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

254 (e) The contributing member shall pay to the retirement
255 system the actuarial cost as determined by the actuary for each
256 year of professional leave. The provisions of this subsection are

257 subject to the regulations of the Internal Revenue Code
258 limitations;

259 (f) Any other rules and regulations consistent with
260 this subsection (9) as the board may adopt and in case of
261 question, the board shall have final power to decide the
262 questions.

263 Any actively contributing member participating in the School
264 Administrator Sabbatical Program established in Section 37-9-77
265 shall qualify for continued participation under this subsection
266 (9).

267 (10) Any member of the Public Employees' Retirement System
268 who has at least four (4) years of credited membership service
269 shall be entitled to receive a maximum of ten (10) years
270 creditable service for:

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

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

279 (c) Any service rendered as an employee of any
280 political subdivision of this state, or any instrumentality
281 thereof, for which coverage of the employee's position was or is
282 excluded; provided that the member pays into the retirement system
283 the actuarial cost as determined by the actuary for each year, or
284 portion thereof, of the service. Payment for the service may be
285 made in increments of one-quarter-year of creditable service.
286 After a member has made full payment to the retirement system for
287 all or any part of the service, the member shall receive
288 creditable service for the period of the service for which full
289 payment has been made to the retirement system.

290 **SECTION 3.** This act shall take effect and be in force from
291 and after July 1, 2007.