

## REPORT OF CONFERENCE COMMITTEE

**MR. SPEAKER AND MR. PRESIDENT:**

We, the undersigned conferees, have had under consideration the amendments to the following entitled BILL:

H. B. No. 1618: PERS; define "instrumentality" for purpose of PERS laws and include health care collaboratives in the definition.

We, therefore, respectfully submit the following report and recommendation:

1. That the Senate recede from its Amendment No. 1.
2. That the House and Senate adopt the following amendment:

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

10           **SECTION 1.** Section 25-11-5, Mississippi Code of 1972, is  
11 amended as follows:

12           25-11-5. For the purposes of this article:

13           (a) The term "wages" means all remuneration for  
14 employment as defined herein, including the cash value of all  
15 remuneration paid in any medium other than cash, except that such  
16 term shall not include that part of such remuneration which, even  
17 if it were for "employment" within the meaning of the Federal  
18 Insurance Contributions Act, would not constitute "wages" within  
19 the meaning of that act. The amount by which an eligible  
20 employee's salary is reduced pursuant to a salary reduction  
21 agreement authorized under Section 25-17-5 shall be excluded from  
22 the term "wages," provided such exclusion does not conflict with



23 federal law, including federal regulations and federal  
24 administrative interpretations thereunder, pertaining to the  
25 Federal Insurance Contributions Act or to Internal Revenue Code  
26 Section 125 cafeteria plans. If any salary reduction amounts  
27 excluded from "wages" under the prior sentence are determined to  
28 be "wages" by the Social Security Administration or the Internal  
29 Revenue Service and payroll tax deficiencies are assessed, the  
30 deficiencies shall be borne by the eligible employee and the  
31 adopting state agency or local governmental entity and not by the  
32 Public Employees' Retirement System of Mississippi as state  
33 administrator.

34 (b) The term "employment" means any service performed  
35 by an employee in the employ of the state, any political  
36 subdivision thereof, or any instrumentality of either for such  
37 employer, except (i) service which in the absence of an agreement  
38 entered into under this article would constitute "employment" as  
39 defined in the Social Security Act; or (ii) service which under  
40 applicable federal law may not be included in an agreement between  
41 the state and the Secretary of Health, Education and Welfare  
42 entered into under this article; or (iii) service in positions  
43 covered by a retirement system established by the state or by a  
44 political subdivision or an instrumentality of either on the date  
45 the agreement referred to in Section 25-11-7 or any modification  
46 of such agreement is made applicable to the coverage group (as  
47 defined in Section 218(b) (5) of the Social Security Act) to which



48 the employee performing such services belongs. Service which  
49 under the Social Security Act may be included in an agreement only  
50 upon certification by the Governor in accordance with Section  
51 218(d)(3) of that act shall be included in the term "employment"  
52 if and when the Governor issues, with respect to such service, a  
53 certificate to the Secretary of Health, Education and Welfare  
54 pursuant to Section 25-11-11(5) of this article.

55 Services, the compensation for which is on a fee basis, may,  
56 to the extent permitted by applicable federal law, be excluded in  
57 any plan or agreement approved under or authorized by this  
58 article.

59 (c) The term "employee," in addition to its usual  
60 meaning, includes an officer of a state, a political subdivision  
61 thereof, or an instrumentality of either, and all school  
62 employees.

63 (d) The term "board" means the Board of Trustees of the  
64 Public Employees' Retirement System of Mississippi as provided by  
65 Section 25-11-15 of this article.

66 (e) The term "Secretary of Health, Education and  
67 Welfare" includes any individual to whom the Secretary of Health,  
68 Education and Welfare has delegated any functions under the Social  
69 Security Act with respect to coverage under such act of employees  
70 of states and their political subdivisions and, with respect to  
71 any action taken prior to April 11, 1953, includes the federal



72 security administrator or any individual to whom he had delegated  
73 any such function.

74 (f) The term "political subdivision" includes any  
75 county, municipality, or other political subdivision within the  
76 State of Mississippi to which has been delegated certain functions  
77 of local government, and employees thereof who are eligible to  
78 become a coverage group under the terms of the Social Security  
79 Act.

80 (g) The term "instrumentality," when referring to an  
81 instrumentality of the state or political subdivision, includes  
82 only a juristic entity which is legally separate and distinct from  
83 the state or such subdivision and whose employees are not by  
84 virtue of their relation to such entity employees of the state or  
85 such subdivision. A health care collaborative or other  
86 organization formed pursuant to Sections 37-115-50 through  
87 37-115-50.3 shall be considered an instrumentality of the state.

88 (h) The term "applicable federal law" refers to such  
89 provisions of federal law (including federal regulations and  
90 requirements issued pursuant thereto), as provide for extending  
91 the benefits of Title II of the Social Security Act to employees  
92 of states, political subdivisions, and their instrumentalities.

93 (i) The term "Social Security Act" means the Act of  
94 Congress approved August 14, 1935, Chapter 531, 49 Stat 620,  
95 officially cited as "The Social Security Act," as such act has  
96 been and may from time to time be amended.



97           (j) The term "Federal Insurance Contribution Act" means  
98 subchapter A of Chapter 9 of the Federal Internal Revenue Code of  
99 1939 and subchapters A and B of Chapter 21 of the Federal Internal  
100 Revenue Code of 1954, as such Codes have been and may from time to  
101 time be amended; and the term "employee tax" means the tax imposed  
102 by Section 1400 of such Code of 1939 and Section 3101 of such Code  
103 of 1954.

104           **SECTION 2.** Section 25-11-103, Mississippi Code of 1972, is  
105 amended as follows:

106           25-11-103. (1) The following words and phrases as used in  
107 Articles 1 and 3, unless a different meaning is plainly required  
108 by the context, have the following meanings:

109           (a) "Accumulated contributions" means the sum of all  
110 the amounts deducted from the compensation of a member and  
111 credited to his or her individual account in the annuity savings  
112 account, together with regular interest as provided in Section  
113 25-11-123.

114           (b) "Actuarial cost" means the amount of funds  
115 presently required to provide future benefits as determined by the  
116 board based on applicable tables and formulas provided by the  
117 actuary.

118           (c) "Actuarial equivalent" means a benefit of equal  
119 value to the accumulated contributions, annuity or benefit, as the  
120 case may be, when computed upon the basis of such mortality tables  
121 as adopted by the board of trustees, and regular interest.



122 (d) "Actuarial tables" mean such tables of mortality  
123 and rates of interest as adopted by the board in accordance with  
124 the recommendation of the actuary.

125 (e) "Agency" means any governmental body employing  
126 persons in the state service.

127 (f) "Average compensation" means the average of the  
128 four (4) highest years of earned compensation reported for an  
129 employee in a fiscal or calendar year period, or combination  
130 thereof that do not overlap, or the last forty-eight (48)  
131 consecutive months of earned compensation reported for an  
132 employee. The four (4) years need not be successive or joined  
133 years of service. In computing the average compensation for  
134 retirement, disability or survivor benefits, any amount lawfully  
135 paid in a lump sum for personal leave or major medical leave shall  
136 be included in the calculation to the extent that the amount does  
137 not exceed an amount that is equal to thirty (30) days of earned  
138 compensation and to the extent that it does not cause the  
139 employee's earned compensation to exceed the maximum reportable  
140 amount specified in paragraph (k) of this subsection; however,  
141 this thirty-day limitation shall not prevent the inclusion in the  
142 calculation of leave earned under federal regulations before July  
143 1, 1976, and frozen as of that date as referred to in Section  
144 25-3-99. In computing the average compensation, no amounts shall  
145 be used that are in excess of the amount on which contributions  
146 were required and paid, and no nontaxable amounts paid by the



147 employer for health or life insurance premiums for the employee  
148 shall be used. If any member who is or has been granted any  
149 increase in annual salary or compensation of more than eight  
150 percent (8%) retires within twenty-four (24) months from the date  
151 that the increase becomes effective, then the board shall exclude  
152 that part of the increase in salary or compensation that exceeds  
153 eight percent (8%) in calculating that member's average  
154 compensation for retirement purposes. The board may enforce this  
155 provision by rule or regulation. However, increases in  
156 compensation in excess of eight percent (8%) per year granted  
157 within twenty-four (24) months of the date of retirement may be  
158 included in the calculation of average compensation if  
159 satisfactory proof is presented to the board showing that the  
160 increase in compensation was the result of an actual change in the  
161 position held or services rendered, or that the compensation  
162 increase was authorized by the State Personnel Board or was  
163 increased as a result of statutory enactment, and the employer  
164 furnishes an affidavit stating that the increase granted within  
165 the last twenty-four (24) months was not contingent on a promise  
166 or agreement of the employee to retire. Nothing in Section  
167 25-3-31 shall affect the calculation of the average compensation  
168 of any member for the purposes of this article. The average  
169 compensation of any member who retires before July 1, 1992, shall  
170 not exceed the annual salary of the Governor.



171 (g) "Beneficiary" means any person entitled to receive  
172 a retirement allowance, an annuity or other benefit as provided by  
173 Articles 1 and 3. The term "beneficiary" may also include an  
174 organization, estate, trust or entity; however, a beneficiary  
175 designated or entitled to receive monthly payments under an  
176 optional settlement based on life contingency or under a statutory  
177 monthly benefit may only be a natural person. In the event of the  
178 death before retirement of any member who became a member of the  
179 system before July 1, 2007, and whose spouse and/or children are  
180 not entitled to a retirement allowance on the basis that the  
181 member has less than four (4) years of membership service credit,  
182 or who became a member of the system on or after July 1, 2007, and  
183 whose spouse and/or children are not entitled to a retirement  
184 allowance on the basis that the member has less than eight (8)  
185 years of membership service credit, and/or has not been married  
186 for a minimum of one (1) year or the spouse has waived his or her  
187 entitlement to a retirement allowance under Section 25-11-114, the  
188 lawful spouse of a member at the time of the death of the member  
189 shall be the beneficiary of the member unless the member has  
190 designated another beneficiary after the date of marriage in  
191 writing, and filed that writing in the office of the executive  
192 director of the board of trustees. No designation or change of  
193 beneficiary shall be made in any other manner.





194           (h) "Board" means the board of trustees provided in  
195 Section 25-11-15 to administer the retirement system created under  
196 this article.

197           (i) "Creditable service" means "prior service,"  
198 "retroactive service" and all lawfully credited unused leave not  
199 exceeding the accrual rates and limitations provided in Section  
200 25-3-91 et seq., as of the date of withdrawal from service plus  
201 "membership service" and other service for which credit is  
202 allowable as provided in Section 25-11-109. Except to limit  
203 creditable service reported to the system for the purpose of  
204 computing an employee's retirement allowance or annuity or  
205 benefits provided in this article, nothing in this paragraph shall  
206 limit or otherwise restrict the power of the governing authority  
207 of a municipality or other political subdivision of the state to  
208 adopt such vacation and sick leave policies as it deems necessary.

209           (j) "Child" means either a natural child of the member,  
210 a child that has been made a child of the member by applicable  
211 court action before the death of the member, or a child under the  
212 permanent care of the member at the time of the latter's death,  
213 which permanent care status shall be determined by evidence  
214 satisfactory to the board. For purposes of this paragraph, a  
215 natural child of the member is a child of the member that is  
216 conceived before the death of the member.

217           (k) "Earned compensation" means the full amount earned  
218 during a fiscal year by an employee not to exceed the employee



219 compensation limit set pursuant to Section 401(a) (17) of the  
220 Internal Revenue Code for the calendar year in which the fiscal  
221 year begins and proportionately for less than one (1) year of  
222 service. Except as otherwise provided in this paragraph, the  
223 value of maintenance furnished to an employee shall not be  
224 included in earned compensation. Earned compensation shall not  
225 include any amounts paid by the employer for health or life  
226 insurance premiums for an employee. Earned compensation shall be  
227 limited to the regular periodic compensation paid, exclusive of  
228 litigation fees, bond fees, performance-based incentive payments,  
229 and other similar extraordinary nonrecurring payments. In  
230 addition, any member in a covered position, as defined by Public  
231 Employees' Retirement System laws and regulations, who is also  
232 employed by another covered agency or political subdivision shall  
233 have the earnings of that additional employment reported to the  
234 Public Employees' Retirement System regardless of whether the  
235 additional employment is sufficient in itself to be a covered  
236 position. In addition, computation of earned compensation shall  
237 be governed by the following:

238                   (i) In the case of constables, the net earnings  
239 from their office after deduction of expenses shall apply, except  
240 that in no case shall earned compensation be less than the total  
241 direct payments made by the state or governmental subdivisions to  
242 the official.



243 (ii) In the case of chancery or circuit clerks,  
244 the net earnings from their office after deduction of expenses  
245 shall apply as expressed in Section 25-11-123(f) (4).

246 (iii) In the case of members of the State  
247 Legislature, all remuneration or amounts paid, except mileage  
248 allowance, shall apply.

249 (iv) The amount by which an eligible employee's  
250 salary is reduced under a salary reduction agreement authorized  
251 under Section 25-17-5 shall be included as earned compensation  
252 under this paragraph, provided this inclusion does not conflict  
253 with federal law, including federal regulations and federal  
254 administrative interpretations under the federal law, pertaining  
255 to the Federal Insurance Contributions Act or to Internal Revenue  
256 Code Section 125 cafeteria plans.

257 (v) Compensation in addition to an employee's base  
258 salary that is paid to the employee under the vacation and sick  
259 leave policies of a municipality or other political subdivision of  
260 the state that employs him or her that exceeds the maximums  
261 authorized by Section 25-3-91 et seq. shall be excluded from the  
262 calculation of earned compensation under this article.

263 (vi) The maximum salary applicable for retirement  
264 purposes before July 1, 1992, shall be the salary of the Governor.

265 (vii) Nothing in Section 25-3-31 shall affect the  
266 determination of the earned compensation of any member for the  
267 purposes of this article.



268 (viii) The value of maintenance furnished to an  
269 employee before July 1, 2013, for which the proper amount of  
270 employer and employee contributions have been paid, shall be  
271 included in earned compensation. From and after July 1, 2013, the  
272 value of maintenance furnished to an employee shall be reported as  
273 earned compensation only if the proper amount of employer and  
274 employee contributions have been paid on the maintenance and the  
275 employee was receiving maintenance and having maintenance reported  
276 to the system as of June 30, 2013. The value of maintenance when  
277 not paid in money shall be fixed by the employing state agency,  
278 and, in case of doubt, by the board of trustees as defined in  
279 Section 25-11-15.

280 (ix) Except as otherwise provided in this  
281 paragraph, the value of any in-kind benefits provided by the  
282 employer shall not be included in earned compensation. As used in  
283 this subparagraph, "in-kind benefits" shall include, but not be  
284 limited to, group life insurance premiums, health or dental  
285 insurance premiums, nonpaid major medical and personal leave,  
286 employer contributions for social security and retirement, tuition  
287 reimbursement or educational funding, day care or transportation  
288 benefits.

289 (1) "Employee" means any person legally occupying a  
290 position in the state service, and shall include the employees of  
291 the retirement system created under this article.



292 (m) "Employer" means the State of Mississippi or any of  
293 its departments, agencies or subdivisions from which any employee  
294 receives his or her compensation.

295 (n) "Executive director" means the secretary to the  
296 board of trustees, as provided in Section 25-11-15(9), and the  
297 administrator of the Public Employees' Retirement System and all  
298 systems under the management of the board of trustees. Wherever  
299 the term "Executive Secretary of the Public Employees' Retirement  
300 System" or "executive secretary" appears in this article or in any  
301 other provision of law, it shall be construed to mean the  
302 Executive Director of the Public Employees' Retirement System.

303 (o) "Fiscal year" means the period beginning on July 1  
304 of any year and ending on June 30 of the next succeeding year.

305 (p) "Medical board" means the board of physicians or  
306 any governmental or nongovernmental disability determination  
307 service designated by the board of trustees that is qualified to  
308 make disability determinations as provided for in Section  
309 25-11-119.

310 (q) "Member" means any person included in the  
311 membership of the system as provided in Section 25-11-105. For  
312 purposes of Sections 25-11-103, 25-11-105, 25-11-109, 25-11-111,  
313 25-11-113, 25-11-114, 25-11-115 and 25-11-117, if a member of the  
314 system withdrew from state service and received a refund of the  
315 amount of the accumulated contributions to the credit of the  
316 member in the annuity savings account before July 1, 2007, and the



317 person reenters state service and becomes a member of the system  
318 again on or after July 1, 2007, and repays all or part of the  
319 amount received as a refund and interest in order to receive  
320 creditable service for service rendered before July 1, 2007, the  
321 member shall be considered to have become a member of the system  
322 on or after July 1, 2007, subject to the eight-year membership  
323 service requirement, as applicable in those sections. For  
324 purposes of Sections 25-11-103, 25-11-111, 25-11-114 and  
325 25-11-115, if a member of the system withdrew from state service  
326 and received a refund of the amount of the accumulated  
327 contributions to the credit of the member in the annuity savings  
328 account before July 1, 2011, and the person reenters state service  
329 and becomes a member of the system again on or after July 1, 2011,  
330 and repays all or part of the amount received as a refund and  
331 interest in order to receive creditable service for service  
332 rendered before July 1, 2011, the member shall be considered to  
333 have become a member of the system on or after July 1, 2011.

334 (r) "Membership service" means service as an employee  
335 in a covered position rendered while a contributing member of the  
336 retirement system.

337 (s) "Position" means any office or any employment in  
338 the state service, or two (2) or more of them, the duties of which  
339 call for services to be rendered by one (1) person, including  
340 positions jointly employed by federal and state agencies  
341 administering federal and state funds. The employer shall



342 determine upon initial employment and during the course of  
343 employment of an employee who does not meet the criteria for  
344 coverage in the Public Employees' Retirement System based on the  
345 position held, whether the employee is or becomes eligible for  
346 coverage in the Public Employees' Retirement System based upon any  
347 other employment in a covered agency or political subdivision. If  
348 or when the employee meets the eligibility criteria for coverage  
349 in the other position, then the employer must withhold  
350 contributions and report wages from the noncovered position in  
351 accordance with the provisions for reporting of earned  
352 compensation. Failure to deduct and report those contributions  
353 shall not relieve the employee or employer of liability thereof.  
354 The board shall adopt such rules and regulations as necessary to  
355 implement and enforce this provision.

356 (t) "Prior service" means:

357 (i) For persons who became members of the system  
358 before July 1, 2007, service rendered before February 1, 1953, for  
359 which credit is allowable under Sections 25-11-105 and 25-11-109,  
360 and which shall allow prior service for any person who is now or  
361 becomes a member of the Public Employees' Retirement System and  
362 who does contribute to the system for a minimum period of four (4)  
363 years.

364 (ii) For persons who became members of the system  
365 on or after July 1, 2007, service rendered before February 1,  
366 1953, for which credit is allowable under Sections 25-11-105 and



367 25-11-109, and which shall allow prior service for any person who  
368 is now or becomes a member of the Public Employees' Retirement  
369 System and who does contribute to the system for a minimum period  
370 of eight (8) years.

371 (u) "Regular interest" means interest compounded  
372 annually at such a rate as determined by the board in accordance  
373 with Section 25-11-121.

374 (v) "Retirement allowance" means an annuity for life as  
375 provided in this article, payable each year in twelve (12) equal  
376 monthly installments beginning as of the date fixed by the board.  
377 The retirement allowance shall be calculated in accordance with  
378 Section 25-11-111. However, any spouse who received a spouse  
379 retirement benefit in accordance with Section 25-11-111(d) before  
380 March 31, 1971, and those benefits were terminated because of  
381 eligibility for a social security benefit, may again receive his  
382 or her spouse retirement benefit from and after making application  
383 with the board of trustees to reinstate the spouse retirement  
384 benefit.

385 (w) "Retroactive service" means service rendered after  
386 February 1, 1953, for which credit is allowable under Section  
387 25-11-105(b) and Section 25-11-105(k).

388 (x) "System" means the Public Employees' Retirement  
389 System of Mississippi established and described in Section  
390 25-11-101.





391 (y) "State" means the State of Mississippi or any  
392 political subdivision thereof or instrumentality of the state.

393 (z) "State service" means all offices and positions of  
394 trust or employment in the employ of the state, or any political  
395 subdivision or instrumentality of the state, that elect to  
396 participate as provided by Section 25-11-105(f), including the  
397 position of elected or fee officials of the counties and their  
398 deputies and employees performing public services or any  
399 department, independent agency, board or commission thereof, and  
400 also includes all offices and positions of trust or employment in  
401 the employ of joint state and federal agencies administering state  
402 and federal funds and service rendered by employees of the public  
403 schools. Effective July 1, 1973, all nonprofessional public  
404 school employees, such as bus drivers, janitors, maids,  
405 maintenance workers and cafeteria employees, shall have the option  
406 to become members in accordance with Section 25-11-105(b), and  
407 shall be eligible to receive credit for services before July 1,  
408 1973, provided that the contributions and interest are paid by the  
409 employee in accordance with that section; in addition, the county  
410 or municipal separate school district may pay the employer  
411 contribution and pro rata share of interest of the retroactive  
412 service from available funds. "State service" shall not include  
413 the President of the Mississippi Lottery Corporation and personnel  
414 employed by the Mississippi Lottery Corporation. From and after



415 July 1, 1998, retroactive service credit shall be purchased at the  
416 actuarial cost in accordance with Section 25-11-105(b).

417 (aa) "Withdrawal from service" or "termination from  
418 service" means complete severance of employment in the state  
419 service of any member by resignation, dismissal or discharge.

420 (bb) The masculine pronoun, wherever used, includes the  
421 feminine pronoun.

422 (2) For purposes of this article, the term "political  
423 subdivision" shall have the meaning ascribed to such term in  
424 Section 25-11-5 and shall also include public charter schools.

425 (3) For purposes of this article, the term "instrumentality"  
426 shall have the meaning as defined in Section 25-11-5, and  
427 membership in the system shall not extend to any person employed  
428 by or paid for any service by a health care collaborative or other  
429 organization formed pursuant to Sections 37-115-50 through  
430 37-115-50.3, unless the health care collaborative or other  
431 organization elects to participate in the system, as provided for  
432 by Section 25-11-105(f). Notwithstanding the foregoing and any  
433 other provision of law to the contrary, the total gross labor  
434 expenses of all health care collaboratives shall not exceed twenty  
435 percent (20%) of the total gross labor expenses of the academic  
436 medical center, as defined in Section 37-115-50(a).

437 **SECTION 3.** Section 25-11-127, Mississippi Code of 1972, is  
438 amended as follows:



439           25-11-127. (1) (a) No person who is being paid a  
440 retirement allowance or a pension after retirement under this  
441 article shall be employed or paid for any service by the State of  
442 Mississippi, including services as an employee, contract worker,  
443 contractual employee or independent contractor, until the retired  
444 person has been retired for not less than ninety (90) consecutive  
445 days from his or her effective date of retirement. After the  
446 person has been retired for not less than ninety (90) consecutive  
447 days from his or her effective date of retirement or such later  
448 date as established by the board, he or she may be reemployed  
449 while being paid a retirement allowance under the terms and  
450 conditions provided in this section.

451           (b) No retiree of this retirement system who is  
452 reemployed or is reelected to office after retirement shall  
453 continue to draw retirement benefits while so reemployed, except  
454 as provided in this section.

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

458           (2) Any person who has been retired under the provisions of  
459 Article 3 and who is later reemployed in service covered by this  
460 article shall cease to receive benefits under this article and  
461 shall again become a contributing member of the retirement system.  
462 When the person retires again, if the reemployment exceeds six (6)  
463 months, the person shall have his or her benefit recomputed,



464 including service after again becoming a member, provided that the  
465 total retirement allowance paid to the retired member in his or  
466 her previous retirement shall be deducted from the member's  
467 retirement reserve and taken into consideration in recalculating  
468 the retirement allowance under a new option selected.

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

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

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

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

482 To determine the normal working days for a position under  
483 paragraph (a) of this subsection, the employer shall determine the  
484 required number of working days for the position on a full-time  
485 basis and the equivalent number of hours representing the  
486 full-time position. The retiree then may work up to one-half  
487 (1/2) of the required number of working days or up to one-half  
488 (1/2) of the equivalent number of hours and receive up to one-half



489 (1/2) of the salary for the position. In the case of employment  
490 with multiple employers, the limitation shall equal one-half (1/2)  
491 of the number of days or hours for a single full-time position.

492 Notice shall be given in writing to the executive director,  
493 setting forth the facts upon which the employment is being made,  
494 and the notice shall be given within five (5) days from the date  
495 of employment and also from the date of termination of the  
496 employment.

497 (5) Except as otherwise provided in subsection (6) of this  
498 section, the employer of any person who is receiving a retirement  
499 allowance and who is employed in service covered by subsection (4)  
500 of this section as an employee or a contractual employee shall pay  
501 to the board the full amount of the employer's contribution on the  
502 amount of compensation received by the retiree for his or her  
503 employment in accordance with regulations prescribed by the board.  
504 The retiree shall not receive any additional creditable service in  
505 the retirement system as a result of the payment of the employer's  
506 contribution. This subsection does not apply to persons who are  
507 receiving a retirement allowance and who contract with an employer  
508 to provide services as a true independent contractor, as defined  
509 by the board through regulation.

510 (6) (a) A member may retire and continue in municipal or  
511 county elective office provided that the member has reached the  
512 age and/or service requirement that will not result in a  
513 prohibited in-service distribution as defined by the Internal



514 Revenue Service, or a retiree may be elected to a municipal or  
515 county office, provided that the person:

516 (i) Files annually, in writing, in the office of  
517 the employer and the office of the executive director of the  
518 system before the person takes office or as soon as possible after  
519 retirement, a waiver of all salary or compensation and elects to  
520 receive in lieu of that salary or compensation a retirement  
521 allowance as provided in this section, in which event no salary or  
522 compensation shall thereafter be due or payable for those  
523 services; however, any such officer or employee may receive, in  
524 addition to the retirement allowance, office expense allowance,  
525 mileage or travel expense authorized by any statute of the State  
526 of Mississippi; or

527 (ii) Elects to receive compensation for that  
528 elective office in an amount not to exceed twenty-five percent  
529 (25%) of the retiree's average compensation. In order to receive  
530 compensation as allowed in this subparagraph, the retiree shall  
531 file annually, in writing, in the office of the employer and the  
532 office of the executive director of the system, an election to  
533 receive, in addition to a retirement allowance, compensation as  
534 allowed in this subparagraph.

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



538 compensation for the elective office that the retired person  
539 holds.

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

543 (7) Notwithstanding the foregoing and any other provision of  
544 law to the contrary, this section shall not apply to any person  
545 who has been retired under this article for ninety (90)  
546 consecutive days or more from his or her effective date of  
547 retirement from the system if employed by or paid for any service  
548 by a health care collaborative or other organization formed  
549 pursuant to Sections 37-115-50 through 37-115-50.3, unless the  
550 health care collaborative or other organization elects to  
551 participate in the system, as provided for by Section  
552 25-11-105(f).

553 **SECTION 4.** This act shall take effect and be in force from  
554 and after its passage.

**Further, amend by striking the title in its entirety and  
inserting in lieu thereof the following:**

1 AN ACT TO AMEND SECTIONS 25-11-5 AND 25-11-103, MISSISSIPPI  
2 CODE OF 1972, TO DEFINE THE TERM "INSTRUMENTALITY" FOR THE PURPOSE  
3 OF THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM LAWS AND INCLUDE HEALTH  
4 CARE COLLABORATIVES IN THE DEFINITION; TO AMEND SECTION 25-11-127,  
5 MISSISSIPPI CODE OF 1972, TO EXEMPT CERTAIN PEOPLE EMPLOYED BY OR  
6 PAID FOR ANY SERVICE BY A HEALTH CARE COLLABORATIVE OR OTHER  
7 ORGANIZATION; FROM THE PERS EMPLOYMENT AFTER RETIREMENT  
8 PROVISIONS; AND FOR RELATED PURPOSES.



CONFEREES FOR THE HOUSE

X (SIGNED)

Deweese

X (SIGNED)

Read

X (SIGNED)

Creekmore IV

CONFEREES FOR THE SENATE

X (SIGNED)

Harkins

X (SIGNED)

Johnson

(NOT SIGNED)

Parker

