

**Adopted
AMENDMENT NO 1 PROPOSED TO**

Cmte Sub for Senate Bill No. 2439

BY: Senator(s) Sparks

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

75 **SECTION 1.** (1) Each person becoming a member of the system
76 on or after March 1, 2026, shall have, in addition to the defined
77 benefit plan under this article, a defined contribution plan
78 meeting the requirements of Section 401(a) of the Internal Revenue
79 Code. A portion of the employee's contributions shall be
80 deposited into the employee's defined contribution account, as
81 provided in Section 25-11-123, and in addition, the employer may
82 elect to contribute an amount up to the maximum pretax amount
83 allowable under federal law for plans under Section 401(a) of the



84 Internal Revenue Code. Members shall be vested immediately in the
85 defined contribution plan.

86 (2) (a) Pursuant to Section 401(a) of the Internal Revenue
87 Code, the board may establish a defined contribution, qualified
88 plan under which a portion of the employee's mandatory
89 contributions shall be deposited and which meets all requirements
90 under federal and state law. To the extent state law conflicts
91 with federal law, federal law shall govern the plan document to
92 maintain the federal tax qualified status. The board, in its
93 fiduciary capacity, may seek approval from the Internal Revenue
94 Service.

95 (b) The administration of the defined contribution plan
96 shall be under the direction of the system. The defined
97 contribution plan shall be operated in accordance with the
98 guidelines established by the Internal Revenue Service for Section
99 401(a) plans as reflected in the plan document, as may be modified
100 from time to time by the board of trustees, and including optional
101 variable employer contributions and a process for hardship
102 withdrawals by members. Payroll reductions shall be made, in each
103 instance, by the appropriate payroll officer. The administrator
104 of the defined contribution plan may contract with a private
105 corporation or institution for providing consolidated billing and
106 other administrative services if deemed necessary by the
107 administrator.



108 (c) The board of trustees may assess the employer an
109 amount, out of the employer's contribution rate under Section
110 25-11-123, up to two-tenths percent (0.2%) of the participant's
111 total earned compensation as defined in Section 25-11-103 to
112 provide for the administrative expenses of operating the defined
113 contribution plan, including, but not limited to, the services of
114 auditors, consultants, money managers and third-party
115 administrators.

116 (3) Each participating member shall direct the investment of
117 the individual's accumulated employer and employee contributions
118 and earnings to one or more investment choices within available
119 categories of investment provided by the board. The board shall
120 provide an investment menu of investment options. In establishing
121 the investment options, the board shall:

122 (a) Include predetermined investment portfolio options
123 constructed to reflect different risk profiles that automatically
124 reallocate and rebalance contributions as a participating member
125 ages; and

126 (b) Allow a participating member to construct an
127 investment portfolio using some or all of the investment options.

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

130 25-11-103. (1) The following words and phrases as used in
131 Articles 1 and 3, unless a different meaning is plainly required
132 by the context, have the following meanings:



133 (a) "Accumulated contributions" means the sum of all
134 the amounts deducted from the compensation of a member and
135 credited to his or her individual account in the annuity savings
136 account, together with regular interest as provided in Section
137 25-11-123.

138 (b) "Actuarial cost" means the amount of funds
139 presently required to provide future benefits as determined by the
140 board based on applicable tables and formulas provided by the
141 actuary.

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

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

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

151 (f) "Average compensation" means, for persons who
152 became members of the system before March 1, 2026, the average of
153 the four (4) highest years of earned compensation reported for an
154 employee in a fiscal or calendar year period, or combination
155 thereof that do not overlap, or the last forty-eight (48)
156 consecutive months of earned compensation reported for an
157 employee. The four (4) years need not be successive or joined



158 years of service. "Average compensation" means, for persons who
159 became members of the system on or after March 1, 2026, the
160 average of the eight (8) highest consecutive years of earned
161 compensation reported for an employee in a fiscal or calendar year
162 period, or of the last ninety-six (96) consecutive months of
163 earned compensation reported for an employee, whichever is
164 greater.

165 In computing the average compensation for retirement,
166 disability or survivor benefits, any amount lawfully paid in a
167 lump sum for personal leave or major medical leave shall be
168 included in the calculation to the extent that the amount does not
169 exceed an amount that is equal to thirty (30) days of earned
170 compensation and to the extent that it does not cause the
171 employee's earned compensation to exceed the maximum reportable
172 amount specified in paragraph (k) of this subsection; however,
173 this thirty-day limitation shall not prevent the inclusion in the
174 calculation of leave earned under federal regulations before July
175 1, 1976, and frozen as of that date as referred to in Section
176 25-3-99. In computing the average compensation, no amounts shall
177 be used that are in excess of the amount on which contributions
178 were required and paid, and no nontaxable amounts paid by the
179 employer for health or life insurance premiums for the employee
180 shall be used. If any member who is or has been granted any
181 increase in annual salary or compensation of more than eight
182 percent (8%) retires within twenty-four (24) months from the date



183 that the increase becomes effective, then the board shall exclude
184 that part of the increase in salary or compensation that exceeds
185 eight percent (8%) in calculating that member's average
186 compensation for retirement purposes. The board may enforce this
187 provision by rule or regulation. However, increases in
188 compensation in excess of eight percent (8%) per year granted
189 within twenty-four (24) months of the date of retirement may be
190 included in the calculation of average compensation if
191 satisfactory proof is presented to the board showing that the
192 increase in compensation was the result of an actual change in the
193 position held or services rendered, or that the compensation
194 increase was authorized by the State Personnel Board or was
195 increased as a result of statutory enactment, and the employer
196 furnishes an affidavit stating that the increase granted within
197 the last twenty-four (24) months was not contingent on a promise
198 or agreement of the employee to retire. Nothing in Section
199 25-3-31 shall affect the calculation of the average compensation
200 of any member for the purposes of this article. The average
201 compensation of any member who retires before July 1, 1992, shall
202 not exceed the annual salary of the Governor.

203 (g) "Beneficiary" means any person entitled to receive
204 a retirement allowance, an annuity or other benefit as provided by
205 Articles 1 and 3. The term "beneficiary" may also include an
206 organization, estate, trust or entity; however, a beneficiary
207 designated or entitled to receive monthly payments under an



208 optional settlement based on life contingency or under a statutory
209 monthly benefit may only be a natural person. In the event of the
210 death before retirement of any member who became a member of the
211 system before July 1, 2007, and whose spouse and/or children are
212 not entitled to a retirement allowance on the basis that the
213 member has less than four (4) years of membership service credit,
214 or who became a member of the system on or after July 1, 2007, and
215 whose spouse and/or children are not entitled to a retirement
216 allowance on the basis that the member has less than eight (8)
217 years of membership service credit, and/or has not been married
218 for a minimum of one (1) year or the spouse has waived his or her
219 entitlement to a retirement allowance under Section 25-11-114, the
220 lawful spouse of a member at the time of the death of the member
221 shall be the beneficiary of the member unless the member has
222 designated another beneficiary after the date of marriage in
223 writing, and filed that writing in the office of the executive
224 director of the board of trustees. No designation or change of
225 beneficiary shall be made in any other manner.

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

229 (i) "Creditable service" means "prior service,"
230 "retroactive service" and all lawfully credited unused leave not
231 exceeding the accrual rates and limitations provided in Section
232 25-3-91 et seq., as of the date of withdrawal from service plus



233 "membership service" and other service for which credit is
234 allowable as provided in Section 25-11-109. Except to limit
235 creditable service reported to the system for the purpose of
236 computing an employee's retirement allowance or annuity or
237 benefits provided in this article, nothing in this paragraph shall
238 limit or otherwise restrict the power of the governing authority
239 of a municipality or other political subdivision of the state to
240 adopt such vacation and sick leave policies as it deems necessary.

241 (j) "Child" means either a natural child of the member,
242 a child that has been made a child of the member by applicable
243 court action before the death of the member, or a child under the
244 permanent care of the member at the time of the latter's death,
245 which permanent care status shall be determined by evidence
246 satisfactory to the board. For purposes of this paragraph, a
247 natural child of the member is a child of the member that is
248 conceived before the death of the member.

249 (k) "Earned compensation" means the full amount earned
250 during a fiscal year by an employee not to exceed the employee
251 compensation limit set pursuant to Section 401(a)(17) of the
252 Internal Revenue Code for the calendar year in which the fiscal
253 year begins and proportionately for less than one (1) year of
254 service. Except as otherwise provided in this paragraph, the
255 value of maintenance furnished to an employee shall not be
256 included in earned compensation. Earned compensation shall not
257 include any amounts paid by the employer for health or life



258 insurance premiums for an employee. Earned compensation shall be
259 limited to the regular periodic compensation paid, exclusive of
260 litigation fees, bond fees, performance-based incentive payments,
261 and other similar extraordinary nonrecurring payments. In
262 addition, any member in a covered position, as defined by Public
263 Employees' Retirement System laws and regulations, who is also
264 employed by another covered agency or political subdivision shall
265 have the earnings of that additional employment reported to the
266 Public Employees' Retirement System regardless of whether the
267 additional employment is sufficient in itself to be a covered
268 position. In addition, computation of earned compensation shall
269 be governed by the following:

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

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

278 (iii) In the case of members of the State
279 Legislature, all remuneration or amounts paid, except mileage
280 allowance, shall apply.

281 (iv) The amount by which an eligible employee's
282 salary is reduced under a salary reduction agreement authorized



283 under Section 25-17-5 shall be included as earned compensation
284 under this paragraph, provided this inclusion does not conflict
285 with federal law, including federal regulations and federal
286 administrative interpretations under the federal law, pertaining
287 to the Federal Insurance Contributions Act or to Internal Revenue
288 Code Section 125 cafeteria plans.

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

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

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

300 (viii) The value of maintenance furnished to an
301 employee before July 1, 2013, for which the proper amount of
302 employer and employee contributions have been paid, shall be
303 included in earned compensation. From and after July 1, 2013, the
304 value of maintenance furnished to an employee shall be reported as
305 earned compensation only if the proper amount of employer and
306 employee contributions have been paid on the maintenance and the
307 employee was receiving maintenance and having maintenance reported



308 to the system as of June 30, 2013. The value of maintenance when
309 not paid in money shall be fixed by the employing state agency,
310 and, in case of doubt, by the board of trustees as defined in
311 Section 25-11-15.

312 (ix) Except as otherwise provided in this
313 paragraph, the value of any in-kind benefits provided by the
314 employer shall not be included in earned compensation. As used in
315 this subparagraph, "in-kind benefits" shall include, but not be
316 limited to, group life insurance premiums, health or dental
317 insurance premiums, nonpaid major medical and personal leave,
318 employer contributions for social security and retirement, tuition
319 reimbursement or educational funding, day care or transportation
320 benefits.

321 (l) "Employee" means any person legally occupying a
322 position in the state service, and shall include the employees of
323 the retirement system created under this article.

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

327 (n) "Executive director" means the secretary to the
328 board of trustees, as provided in Section 25-11-15(9), and the
329 administrator of the Public Employees' Retirement System and all
330 systems under the management of the board of trustees. Wherever
331 the term "Executive Secretary of the Public Employees' Retirement
332 System" or "executive secretary" appears in this article or in any



333 other provision of law, it shall be construed to mean the
334 Executive Director of the Public Employees' Retirement System.

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

337 (p) "Medical board" means the board of physicians or
338 any governmental or nongovernmental disability determination
339 service designated by the board of trustees that is qualified to
340 make disability determinations as provided for in Section
341 25-11-119.

342 (q) "Member" means any person included in the
343 membership of the system as provided in Section 25-11-105. For
344 purposes of Sections 25-11-103, 25-11-105, 25-11-109, 25-11-111,
345 25-11-113, 25-11-114, 25-11-115 and 25-11-117, if a member of the
346 system withdrew from state service and received a refund of the
347 amount of the accumulated contributions to the credit of the
348 member in the annuity savings account before July 1, 2007, and the
349 person reenters state service and becomes a member of the system
350 again on or after July 1, 2007, and repays all or part of the
351 amount received as a refund and interest in order to receive
352 creditable service for service rendered before July 1, 2007, the
353 member shall be considered to have become a member of the system
354 on or after July 1, 2007, subject to the eight-year membership
355 service requirement, as applicable in those sections. For
356 purposes of Sections 25-11-103, 25-11-111, 25-11-114 and
357 25-11-115, if a member of the system withdrew from state service



358 and received a refund of the amount of the accumulated
359 contributions to the credit of the member in the annuity savings
360 account before July 1, 2011, and the person reenters state service
361 and becomes a member of the system again on or after July 1, 2011,
362 and repays all or part of the amount received as a refund and
363 interest in order to receive creditable service for service
364 rendered before July 1, 2011, the member shall be considered to
365 have become a member of the system on or after July 1, 2011. If a
366 member of the system withdrew from state service and received a
367 refund of the amount of the accumulated contributions to the
368 credit of the member in the annuity savings account before March
369 1, 2026, and the person reenters state service and becomes a
370 member of the system again on or after March 1, 2026, the member
371 shall be considered to have become a member of the system on or
372 after March 1, 2026, and may not receive creditable service for
373 service rendered before March 1, 2026.

374 (r) "Membership service" means service as an employee
375 in a covered position rendered while a contributing member of the
376 retirement system.

377 (s) "Position" means any office or any employment in
378 the state service, or two (2) or more of them, the duties of which
379 call for services to be rendered by one (1) person, including
380 positions jointly employed by federal and state agencies
381 administering federal and state funds. The employer shall
382 determine upon initial employment and during the course of



383 employment of an employee who does not meet the criteria for
384 coverage in the Public Employees' Retirement System based on the
385 position held, whether the employee is or becomes eligible for
386 coverage in the Public Employees' Retirement System based upon any
387 other employment in a covered agency or political subdivision. If
388 or when the employee meets the eligibility criteria for coverage
389 in the other position, then the employer must withhold
390 contributions and report wages from the noncovered position in
391 accordance with the provisions for reporting of earned
392 compensation. Failure to deduct and report those contributions
393 shall not relieve the employee or employer of liability thereof.
394 The board shall adopt such rules and regulations as necessary to
395 implement and enforce this provision.

396 (t) "Prior service" means:

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

404 (ii) For persons who became members of the system
405 on or after July 1, 2007, service rendered before February 1,
406 1953, for which credit is allowable under Sections 25-11-105 and
407 25-11-109, and which shall allow prior service for any person who



408 is now or becomes a member of the Public Employees' Retirement
409 System and who does contribute to the system for a minimum period
410 of eight (8) years.

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

414 (v) "Retirement allowance" means an annuity for life as
415 provided in this article, payable each year in twelve (12) equal
416 monthly installments beginning as of the date fixed by the board.
417 The retirement allowance shall be calculated in accordance with
418 Section 25-11-111. However, any spouse who received a spouse
419 retirement benefit in accordance with Section 25-11-111(d) before
420 March 31, 1971, and those benefits were terminated because of
421 eligibility for a social security benefit, may again receive his
422 or her spouse retirement benefit from and after making application
423 with the board of trustees to reinstate the spouse retirement
424 benefit.

425 (w) "Retroactive service" means service rendered after
426 February 1, 1953, for which credit is allowable under Section
427 25-11-105(b) and Section 25-11-105(k).

428 (x) "System" means the Public Employees' Retirement
429 System of Mississippi established and described in Section
430 25-11-101.

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



433 (z) "State service" means all offices and positions of
434 trust or employment in the employ of the state, or any political
435 subdivision or instrumentality of the state, that elect to
436 participate as provided by Section 25-11-105(f), including the
437 position of elected or fee officials of the counties and their
438 deputies and employees performing public services or any
439 department, independent agency, board or commission thereof, and
440 also includes all offices and positions of trust or employment in
441 the employ of joint state and federal agencies administering state
442 and federal funds and service rendered by employees of the public
443 schools. Effective July 1, 1973, all nonprofessional public
444 school employees, such as bus drivers, janitors, maids,
445 maintenance workers and cafeteria employees, shall have the option
446 to become members in accordance with Section 25-11-105(b), and
447 shall be eligible to receive credit for services before July 1,
448 1973, provided that the contributions and interest are paid by the
449 employee in accordance with that section; in addition, the county
450 or municipal separate school district may pay the employer
451 contribution and pro rata share of interest of the retroactive
452 service from available funds. "State service" shall not include
453 the President of the Mississippi Lottery Corporation and personnel
454 employed by the Mississippi Lottery Corporation. From and after
455 July 1, 1998, retroactive service credit shall be purchased at the
456 actuarial cost in accordance with Section 25-11-105(b).



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

460 (bb) The masculine pronoun, wherever used, includes the
461 feminine pronoun.

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

465 **SECTION 3.** Section 25-11-109, Mississippi Code of 1972, is
466 amended as follows:

467 25-11-109. (1) Under such rules and regulations as the
468 board of trustees shall adopt, each person who becomes a member of
469 this retirement system, as provided in Section 25-11-105, on or
470 before July 1, 1953, or who became a member of the system before
471 July 1, 2007, and contributes to the system for a minimum period
472 of four (4) years, or who became a member of the system on or
473 after July 1, 2007, and contributes to the system for a minimum
474 period of eight (8) years, shall receive credit for all state
475 service rendered before February 1, 1953. To receive that credit,
476 the member shall file a detailed statement of all services as an
477 employee rendered by him in the state service before February 1,
478 1953. For any member who joined the system after July 1, 1953,
479 and before July 1, 2007, any creditable service for which the
480 member is not required to make contributions shall not be credited
481 to the member until the member has contributed to the system for a



482 minimum period of at least four (4) years. For any member who
483 joined the system on or after July 1, 2007, but before March 1,
484 2026, any creditable service for which the member is not required
485 to make contributions shall not be credited to the member until
486 the member has contributed to the system for a minimum period of
487 at least eight (8) years.

488 (2) (a) (i) In the computation of creditable service for
489 service rendered before July 1, 2017, under the provisions of this
490 article, the total months of accumulative service during any
491 fiscal year shall be calculated in accordance with the schedule as
492 follows: ten (10) or more months of creditable service during any
493 fiscal year shall constitute a year of creditable service; seven
494 (7) months to nine (9) months inclusive, three-quarters (3/4) of a
495 year of creditable service; four (4) months to six (6) months
496 inclusive, one-half (1/2) year of creditable service; one (1)
497 month to three (3) months inclusive, one-quarter (1/4) of a year
498 of creditable service.

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

503 (b) In no case shall credit be allowed for any period
504 of absence without compensation except for disability while in
505 receipt of a disability retirement allowance, nor shall less than
506 fifteen (15) days of service in any month, or service less than



507 the equivalent of one-half (1/2) of the normal working load for
508 the position and less than one-half (1/2) of the normal
509 compensation for the position in any month, constitute a month of
510 creditable service, nor shall more than one (1) year of service be
511 creditable for all services rendered in any one (1) fiscal year;
512 however, for a school employee, substantial completion of the
513 legal school term when and where the service was rendered shall
514 constitute a year of service credit. Any state or local elected
515 official shall be deemed a full-time employee for the purpose of
516 creditable service. However, an appointed or elected official
517 compensated on a per diem basis only shall not be allowed
518 creditable service for terms of office.

519 (c) In the computation of any retirement allowance or
520 any annuity or benefits provided in this article, any fractional
521 period of service of less than one (1) year shall be taken into
522 account and a proportionate amount of such retirement allowance,
523 annuity or benefit shall be granted for any such fractional period
524 of service.

525 (d) (i) In the computation of unused leave for
526 creditable service authorized in Section 25-11-103, the following
527 shall govern for members who retire before July 1, 2017:
528 twenty-one (21) days of unused leave shall constitute one (1)
529 month of creditable service and in no case shall credit be allowed
530 for any period of unused leave of less than fifteen (15) days.
531 The number of months of unused leave shall determine the number of



532 quarters or years of creditable service in accordance with the
533 above schedule for membership and prior service.

534 (ii) In the computation of unused leave for
535 creditable service authorized in Section 25-11-103, the following
536 shall govern for members who retire on or after July 1, 2017:
537 creditable service for unused leave shall be calculated in monthly
538 increments in which one (1) month of service credit shall be
539 awarded for each twenty-one (21) days of unused leave, except that
540 the first fifteen (15) to fifty-seven (57) days of leave shall
541 constitute three (3) months of service for those who became a
542 member of the system before July 1, 2017.

543 (iii) In order for the member to receive
544 creditable service for the number of days of unused leave under
545 this paragraph, the system must receive certification from the
546 governing authority.

547 (iv) For anyone who becomes a member of the system
548 on or after March 1, 2026, no service credit shall be awarded for
549 unused leave.

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



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

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

564 (ii) For service on and after July 1, 1984, the
565 member shall receive credit for personal and major medical leave
566 beginning July 1, 1984, at the rates authorized in Sections
567 25-3-93 and 25-3-95, computed as a full-time employee.

568 (iii) If a member is employed in a covered
569 nonelected position and a covered elected position simultaneously,
570 that member may not receive service credit for accumulated unused
571 leave for both positions at retirement for the period during which
572 the member was dually employed. During the period during which
573 the member is dually employed, the member shall only receive
574 credit for leave as provided for in this paragraph for an elected
575 official.

576 (iv) For any elected official who becomes a member
577 of the system on or after March 1, 2026, no service credit shall
578 be awarded for leave.

579 (3) Subject to the above restrictions and to such other
580 rules and regulations as the board may adopt, the board shall



581 verify, as soon as practicable after the filing of such statements
582 of service, the services therein claimed.

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

594 When membership ceases, such prior service certificates shall
595 become void. Should the employee again become a member, he shall
596 enter the system as an employee not entitled to prior service
597 credit except as provided in Sections 25-11-105(I), 25-11-113 and
598 25-11-117.

599 (5) Creditable service at retirement, on which the
600 retirement allowance of a member shall be based, shall consist of
601 the membership service rendered by him since he last became a
602 member, and also, if he has a prior service certificate that is in
603 full force and effect, the amount of the service certified on his
604 prior service certificate.



605 (6) Any member who served on active duty in the Armed Forces
606 of the United States, who served in the Commissioned Corps of the
607 United States Public Health Service before 1972 or who served in
608 maritime service during periods of hostility in World War II,
609 shall be entitled to creditable service at no cost for his service
610 on active duty in the Armed Forces, in the Commissioned Corps of
611 the United States Public Health Service before 1972 or in such
612 maritime service, provided he entered state service after his
613 discharge from the Armed Forces or entered state service after he
614 completed such maritime service. The maximum period for such
615 creditable service for all military service as defined in this
616 subsection (6) shall not exceed four (4) years unless positive
617 proof can be furnished by such person that he was retained in the
618 Armed Forces during World War II or in maritime service during
619 World War II by causes beyond his control and without opportunity
620 of discharge. The member shall furnish proof satisfactory to the
621 board of trustees of certification of military service or maritime
622 service records showing dates of entrance into active duty service
623 and the date of discharge. From and after July 1, 1993, no
624 creditable service shall be granted for any military service or
625 maritime service to a member who qualifies for a retirement
626 allowance in another public retirement system administered by the
627 Board of Trustees of the Public Employees' Retirement System
628 based, in whole or in part, on such military or maritime service.
629 In no case shall the member receive creditable service if the



630 member received a dishonorable discharge from the Armed Forces of
631 the United States.

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

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

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

649 (iii) The employer at the time the member's
650 service was interrupted and to which employment the member returns
651 pays the contributions it would have made into the retirement
652 system for such period based on the member's salary at the time
653 the service was interrupted.



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

659 (c) The member shall furnish proof satisfactory to the
660 board of trustees of certification of military service showing
661 dates of entrance into qualified service and the date of discharge
662 as well as proof that the member has returned to active employment
663 within the time specified.

664 (8) Any member of the Public Employees' Retirement System
665 who became a member of the system before July 1, 2007, and who has
666 at least four (4) years of membership service credit, or who
667 became a member of the system on or after July 1, 2007, but before
668 March 1, 2026, and who has at least eight (8) years of membership
669 service credit, shall be entitled to receive a maximum of five (5)
670 years' creditable service for service rendered in another state as
671 a public employee of such other state, or a political subdivision,
672 public education system or other governmental instrumentality
673 thereof, or service rendered as a teacher in American overseas
674 dependent schools conducted by the Armed Forces of the United
675 States for children of citizens of the United States residing in
676 areas outside the continental United States, provided that:

677 (a) The member shall furnish proof satisfactory to the
678 board of trustees of certification of such services from the



679 state, public education system, political subdivision or
680 retirement system of the state where the services were performed
681 or the governing entity of the American overseas dependent school
682 where the services were performed; and

683 (b) The member is not receiving or will not be entitled
684 to receive from the public retirement system of the other state or
685 from any other retirement plan, including optional retirement
686 plans, sponsored by the employer, a retirement allowance including
687 such services; and

688 (c) The member shall pay to the retirement system on
689 the date he or she is eligible for credit for such out-of-state
690 service or at any time thereafter before the date of retirement
691 the actuarial cost as determined by the actuary for each year of
692 out-of-state creditable service. The provisions of this
693 subsection are subject to the limitations of Section 415 of the
694 Internal Revenue Code and regulations promulgated under that
695 section.

696 (9) Any member of the Public Employees' Retirement System
697 who became a member of the system before July 1, 2007, and has at
698 least four (4) years of membership service credit, or who became a
699 member of the system on or after July 1, 2007, but before March 1,
700 2026, and has at least eight (8) years of membership service
701 credit, and who receives, or has received, professional leave
702 without compensation for professional purposes directly related to
703 the employment in state service shall receive creditable service



704 for the period of professional leave without compensation
705 provided:

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

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

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

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

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

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

727 Any actively contributing member participating in the School
728 Administrator Sabbatical Program established in Section 37-9-77



729 shall qualify for continued participation under this subsection
730 (9).

731 (10) Any member of the Public Employees' Retirement System
732 who became a member of the system before July 1, 2007, and has at
733 least four (4) years of credited membership service, or who became
734 a member of the system on or after July 1, 2007, but before March
735 1, 2026, and has at least eight (8) years of credited membership
736 service, shall be entitled to receive a maximum of ten (10) years
737 creditable service for:

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

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

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



754 period of such service for which full payment has been made to the
755 retirement system.

756 **SECTION 4.** Section 25-11-111, Mississippi Code of 1972, is
757 amended as follows:

758 25-11-111. (a) (1) Any member who became a member of the
759 system before July 1, 2007, upon withdrawal from service upon or
760 after attainment of the age of sixty (60) years who has completed
761 at least four (4) years of membership service, or any member who
762 became a member of the system before July 1, 2011, upon withdrawal
763 from service regardless of age who has completed at least
764 twenty-five (25) years of creditable service, shall be entitled to
765 receive a retirement allowance, which shall begin on the first of
766 the month following the date the member's application for the
767 allowance is received by the board, but in no event before
768 withdrawal from service.

769 (2) Any member who became a member of the system on or
770 after July 1, 2007, but before March 1, 2026, upon withdrawal from
771 service upon or after attainment of the age of sixty (60) years
772 who has completed at least eight (8) years of membership service,
773 or any member who became a member of the system on or after July
774 1, 2011, but before March 1, 2026, upon withdrawal from service
775 regardless of age who has completed at least thirty (30) years of
776 creditable service, shall be entitled to receive a retirement
777 allowance, which shall begin on the first of the month following



778 the date the member's application for the allowance is received by
779 the board, but in no event before withdrawal from service.

780 (3) Any member who became a member of the system on or
781 after March 1, 2026, upon withdrawal from service upon or after
782 attainment of the age of sixty-two (62) years who has completed at
783 least eight (8) years of membership service, or upon withdrawal
784 from service regardless of age who has completed at least
785 thirty-five (35) years of creditable service, shall be entitled to
786 receive a retirement allowance, which shall begin on the first of
787 the month following the date the member's application for the
788 allowance is received by the board, but in no event before
789 withdrawal from service.

790 (b) (1) Any member who became a member of the system before
791 July 1, 2007, whose withdrawal from service occurs before
792 attaining the age of sixty (60) years who has completed four (4)
793 or more years of membership service and has not received a refund
794 of his accumulated contributions, shall be entitled to receive a
795 retirement allowance, beginning upon his attaining the age of
796 sixty (60) years, of the amount earned and accrued at the date of
797 withdrawal from service. The retirement allowance shall begin on
798 the first of the month following the date the member's application
799 for the allowance is received by the board, but in no event before
800 withdrawal from service.

801 (2) Any member who became a member of the system on or
802 after July 1, 2007, but before March 1, 2026, whose withdrawal



803 from service occurs before attaining the age of sixty (60) years
804 who has completed eight (8) or more years of membership service
805 and has not received a refund of his accumulated contributions,
806 shall be entitled to receive a retirement allowance, beginning
807 upon his attaining the age of sixty (60) years, of the amount
808 earned and accrued at the date of withdrawal from service. The
809 retirement allowance shall begin on the first of the month
810 following the date the member's application for the allowance is
811 received by the board, but in no event before withdrawal from
812 service.

813 (3) Any member who became a member of the system on or
814 after March 1, 2026, whose withdrawal from service occurs before
815 attaining the age of sixty-two (62) years who has completed eight
816 (8) or more years of membership service and has not received a
817 refund of his accumulated contributions, shall be entitled to
818 receive a retirement allowance, beginning upon his attaining the
819 age of sixty-two (62) years, of the amount earned and accrued at
820 the date of withdrawal from service. The retirement allowance
821 shall begin on the first of the month following the date the
822 member's application for the allowance is received by the board,
823 but in no event before withdrawal from service.

824 (c) Any member in service who has qualified for retirement
825 benefits may select any optional method of settlement of
826 retirement benefits by notifying the Executive Director of the
827 Board of Trustees of the Public Employees' Retirement System in



828 writing, on a form prescribed by the board, of the option he has
829 selected and by naming the beneficiary of the option and
830 furnishing necessary proof of age. The option, once selected, may
831 be changed at any time before actual retirement or death, but upon
832 the death or retirement of the member, the optional settlement
833 shall be placed in effect upon proper notification to the
834 executive director.

835 (d) Any member who became a member of the system before July
836 1, 2011, shall be entitled to an annual retirement allowance which
837 shall consist of:

838 (1) A member's annuity, which shall be the actuarial
839 equivalent of the accumulated contributions of the member at the
840 time of retirement computed according to the actuarial table in
841 use by the system; and

842 (2) An employer's annuity, which, together with the
843 member's annuity provided above, shall be equal to two percent
844 (2%) of the average compensation for each year of service up to
845 and including twenty-five (25) years of creditable service, and
846 two and one-half percent (2-1/2%) of the average compensation for
847 each year of service exceeding twenty-five (25) years of
848 creditable service.

849 (3) Any retired member or beneficiary thereof who was
850 eligible to receive a retirement allowance before July 1, 1991,
851 and who is still receiving a retirement allowance on July 1, 1992,
852 shall receive an increase in the annual retirement allowance of



853 the retired member equal to one-eighth of one percent (1/8 of 1%)
854 of the average compensation for each year of state service in
855 excess of twenty-five (25) years of membership service up to and
856 including thirty (30) years. The maximum increase shall be
857 five-eighths of one percent (5/8 of 1%). In no case shall a
858 member who has been retired before July 1, 1987, receive less than
859 Ten Dollars (\$10.00) per month for each year of creditable service
860 and proportionately for each quarter year thereof. Persons
861 retired on or after July 1, 1987, shall receive at least Ten
862 Dollars (\$10.00) per month for each year of service and
863 proportionately for each quarter year thereof reduced for the
864 option selected. However, such Ten Dollars (\$10.00) minimum per
865 month for each year of creditable service shall not apply to a
866 retirement allowance computed under Section 25-11-114 based on a
867 percentage of the member's average compensation.

868 (e) Any member who became a member of the system on or after
869 July 1, 2011, but before March 1, 2026, shall be entitled to an
870 annual retirement allowance which shall consist of:

871 (1) A member's annuity, which shall be the actuarial
872 equivalent of the accumulated contributions of the member at the
873 time of retirement computed according to the actuarial table in
874 use by the system; and

875 (2) An employer's annuity, which, together with the
876 member's annuity provided above, shall be equal to two percent
877 (2%) of the average compensation for each year of service up to



878 and including thirty (30) years of creditable service, and two and
879 one-half percent (2-1/2%) of average compensation for each year of
880 service exceeding thirty (30) years of creditable service.

881 (f) Any member who became a member of the system on or after
882 July 1, 2011, but before March 1, 2026, upon withdrawal from
883 service upon or after attaining the age of sixty (60) years who
884 has completed at least eight (8) years of membership service, or
885 any such member upon withdrawal from service regardless of age who
886 has completed at least thirty (30) years of creditable service,
887 shall be entitled to receive a retirement allowance computed in
888 accordance with the formula set forth in subsection (e) of this
889 section. In the case of the retirement of any member who has
890 attained age sixty (60) but who has not completed at least thirty
891 (30) years of creditable service, the retirement allowance shall
892 be computed in accordance with the formula set forth in subsection
893 (e) of this section except that the total annual retirement
894 allowance shall be reduced by an actuarial equivalent factor for
895 each year of creditable service below thirty (30) years or the
896 number of years in age that the member is below age sixty-five
897 (65), whichever is less.

898 (g) Any member who became a member of the system on or after
899 March 1, 2026, upon withdrawal from service upon or after
900 attainment of the age of sixty-five (65) years who has completed
901 at least eight (8) years of membership service, or upon withdrawal
902 from service at the age of sixty-two (62) who has completed at



903 least thirty (30) years of creditable service, or upon withdrawal
904 from service regardless of age who has completed at least
905 thirty-five (35) years of creditable service, shall be entitled to
906 an annual retirement allowance which shall consist of a member's
907 annuity, which annuity shall be equal to one percent (1%) of the
908 average compensation for each year of creditable service. In the
909 case of the retirement of any member who has attained the age of
910 sixty-two (62) but has not completed at least thirty (30) years of
911 creditable service, the total annual retirement allowance
912 specified in this subsection (g) shall be reduced by an actuarial
913 equivalent factor for each year of creditable service below thirty
914 (30) years or the number of years in age that the member is below
915 age sixty-five (65), whichever is less.

916 (* * *h) No member, except members excluded by the Age
917 Discrimination in Employment Act Amendments of 1986 (Public Law
918 99-592), under either Article 1 or Article 3 in state service
919 shall be required to retire because of age.

920 (* * *i) No payment on account of any benefit granted under
921 the provisions of this section shall become effective or begin to
922 accrue until January 1, 1953.

923 (* * *j) (1) A retiree or beneficiary may, on a form
924 prescribed by and filed with the retirement system, irrevocably
925 waive all or a portion of any benefits from the retirement system
926 to which the retiree or beneficiary is entitled. The waiver shall
927 be binding on the heirs and assigns of any retiree or beneficiary



928 and the same must agree to forever hold harmless the Public
929 Employees' Retirement System of Mississippi from any claim to the
930 waived retirement benefits.

931 (2) Any waiver under this subsection shall apply only
932 to the person executing the waiver. A beneficiary shall be
933 entitled to benefits according to the option selected by the
934 member at the time of retirement. However, a beneficiary may, at
935 the option of the beneficiary, execute a waiver of benefits under
936 this subsection.

937 (3) The retirement system shall retain in the annuity
938 reserve account amounts that are not used to pay benefits because
939 of a waiver executed under this subsection.

940 (4) The board of trustees may provide rules and
941 regulations for the administration of waivers under this
942 subsection.

943 **SECTION 5.** Section 25-11-112, Mississippi Code of 1972, is
944 amended as follows:

945 25-11-112. (1) Any member who became a member of the system
946 before March 1, 2026, and is receiving a retirement allowance for
947 service or disability retirement, or any beneficiary thereof, who
948 has received a monthly benefit for at least one (1) full fiscal
949 year, shall be eligible to receive an additional benefit, on
950 December 1 or July 1 of the year as provided in subsection (3) of
951 this section, equal to an amount calculated under paragraph (a) or
952 (b) below:



953 (a) For any member who became a member of the system
954 before July 1, 2011, the sum of:

955 (i) An amount equal to three percent (3%) of the
956 annual retirement allowance multiplied by the number of full
957 fiscal years in retirement before the end of the fiscal year in
958 which the member reaches age fifty-five (55), plus

959 (ii) An additional amount equal to three percent
960 (3%) compounded by the number of full fiscal years in retirement
961 beginning with the fiscal year in which the member reaches age
962 fifty-five (55), multiplied by the amount of the annual retirement
963 allowance.

964 (b) For any member who became a member of the system on
965 or after July 1, 2011, but before March 1, 2026, the sum of:

966 (i) An amount equal to three percent (3%) of the
967 annual retirement allowance multiplied by the number of full
968 fiscal years in retirement before the end of the fiscal year in
969 which the member reaches age sixty (60), plus

970 (ii) An additional amount equal to three percent
971 (3%) compounded by the number of full fiscal years in retirement
972 beginning with the fiscal year in which the member reaches age
973 sixty (60), multiplied by the amount of the annual retirement
974 allowance.

975 (2) The calculation of the beneficiary's additional benefit
976 under subsection (1)(a) or (b) of this section shall be based on



977 the member's age and full fiscal years in retirement as if the
978 member had lived.

979 (3) (a) The additional benefit provided for under this
980 section shall be paid in one (1) payment in December of each year
981 to those persons who are receiving a retirement allowance on
982 December 1 of that year, unless an election is made under this
983 subsection. However, if a retiree who is receiving a retirement
984 allowance that will terminate upon the retiree's death is
985 receiving the additional benefit in one (1) payment and dies on or
986 after July 1 but before December 1, the beneficiary designated on
987 the retirement application, if any, shall receive in a single
988 payment a fractional part of the additional benefit based on the
989 number of months in which a retirement allowance was received
990 during the fiscal year. Likewise, if a retiree is receiving a
991 retirement allowance that will terminate upon his or her death in
992 two (2) to six (6) monthly installments, any remaining payments of
993 the additional benefit will be paid in a lump sum to the
994 beneficiary designated on the application, or if none, pursuant to
995 Section 25-11-117.1(1). Any similar remaining payments of
996 additional benefits payable under this section to a deceased
997 beneficiary who was receiving a monthly benefit shall be payable
998 in accordance with the provisions of Section 25-11-117.1(2). If
999 the additional monthly benefit is being received in one (1)
1000 payment, the additional benefit shall also be prorated based on
1001 the number of months in which a retirement allowance was received



1002 during the fiscal year when (i) the monthly benefit payable to a
1003 beneficiary terminates due to the expiration of an option,
1004 remarriage or cessation of dependent status or due to the
1005 retiree's return to covered employment, and (ii) the monthly
1006 benefit terminates on or after July 1 and before December 1. The
1007 board may, in its discretion, allow a retired member or a
1008 beneficiary thereof who is receiving the additional annual payment
1009 in the manner provided for in this paragraph to change the manner
1010 in which the additional annual payment is received to that
1011 provided for in paragraph (b) of this subsection if the retired
1012 member or beneficiary submits satisfactory documentation that the
1013 continued receipt of the additional annual payment as provided for
1014 in this paragraph will cause a financial hardship to the retired
1015 member or beneficiary.

1016 (b) Retired members or beneficiaries thereof who on
1017 July 1, 1999, or July 1 of any fiscal year thereafter, are
1018 receiving a retirement allowance, may elect by an irrevocable
1019 agreement in writing filed in the Office of the Public Employees'
1020 Retirement System no less than thirty (30) days before July 1 of
1021 the appropriate year, to begin receiving the additional benefit
1022 provided for under this section in twelve (12) equal monthly
1023 installments beginning July 1, 1999, or July 1 of any fiscal year
1024 thereafter. This irrevocable agreement shall be binding on the
1025 member and subsequent beneficiaries. Payment of those monthly
1026 installments shall not extend beyond the month in which a



1027 retirement allowance is due and payable. The board may, in its
1028 discretion, allow a retired member or a beneficiary thereof who is
1029 receiving the additional annual payment in the manner provided for
1030 in this paragraph to change the manner in which the additional
1031 annual payment is received to that provided for in paragraph (a)
1032 of this subsection if the retired member or beneficiary submits
1033 satisfactory documentation that the continued receipt of the
1034 additional annual payment as provided for in this paragraph will
1035 cause a financial hardship to the retired member or beneficiary.

1036 (4) The additional payment or payments provided for under
1037 this section are for the fiscal year in which they are paid.

1038 (5) (a) The amount provided for under subsection (1)
1039 (a)(ii) of this section is calculated using the following formula:

1040 $[(1.03)^n - 1] \times [\text{annual retirement allowance}]$,

1041 where n is the number of full fiscal years in retirement beginning
1042 with the fiscal year in which the member reaches age fifty-five
1043 (55).

1044 (b) The amount provided for under subsection (1)(b)(ii)
1045 of this section is calculated using the following formula:

1046 $[(1.03)^n - 1] \times [\text{annual retirement allowance}]$,

1047 where n is the number of full fiscal years in retirement beginning
1048 with the fiscal year in which the member reaches age sixty (60).

1049 (6) Any retired member or beneficiary thereof who has
1050 previously elected to receive the additional annual payment in
1051 monthly installments may elect, upon application on a form



1052 prescribed by the board of trustees, to have that payment made in
1053 one (1) additional payment each year. This written election must
1054 be filed in the Office of the Public Employees' Retirement System
1055 before June 1, 2000, and shall be effective for the fiscal year
1056 beginning July 1, 2000.

1057 (7) In the event of death of a retired member or a
1058 beneficiary thereof who is receiving the additional annual payment
1059 in two (2) to six (6) monthly installments pursuant to an election
1060 made before July 1, 1999, and who would otherwise be eligible to
1061 receive the additional benefit provided for under this section in
1062 one (1) payment in December of the current fiscal year, any
1063 remaining amounts shall be paid in a lump sum to the designated
1064 beneficiary.

1065 (8) When a member retires after July 1 and has previously
1066 received a retirement allowance for one or more full fiscal years,
1067 the retired member shall be eligible immediately for the
1068 additional benefit. The additional benefit shall be based on the
1069 current retirement allowance and the number of full fiscal years
1070 in retirement and shall be prorated and paid in monthly
1071 installments based on the number of months a retirement allowance
1072 is paid during the fiscal year.

1073 (9) A member who became a member of the system on or after
1074 March 1, 2026, is not entitled to the additional annual benefit
1075 under this section; however, the Legislature may provide an
1076 additional benefit for a specific year.



1077 **SECTION 6.** Section 25-11-114, Mississippi Code of 1972, is
1078 amended as follows:

1079 25-11-114. (1) The applicable benefits provided in
1080 subsections (2) and (3) of this section shall be paid to eligible
1081 beneficiaries of any member who became a member of the system
1082 before July 1, 2007, and has completed four (4) or more years of
1083 membership service, or who became a member of the system on or
1084 after July 1, 2007, and has completed eight (8) or more years of
1085 membership service, and who dies before retirement and who has not
1086 filed a Pre-Retirement Optional Retirement Form as provided in
1087 Section 25-11-111.

1088 (2) (a) The surviving spouse of a member who dies before
1089 retirement shall receive a monthly benefit computed in accordance
1090 with paragraph (d) of this subsection (2) as if the member had
1091 nominated his spouse as beneficiary if:

1092 (i) The member completed the requisite minimum
1093 number of years of membership service to qualify for a retirement
1094 allowance at age sixty (60), for any member who became a member of
1095 the system before March 1, 2026, or at age sixty-five (65), for
1096 any member who became a member of the system on or after March 1,
1097 2026;

1098 (ii) The spouse has been married to the member for
1099 not less than one (1) year preceding the death of the member;

1100 (iii) The member has not exercised any other
1101 option.



1102 (b) If, at the time of the member's death, there are no
1103 dependent children, and the surviving spouse, who otherwise would
1104 receive the annuity under this subsection (2), has filed with the
1105 system a signed written waiver of his or her rights to the annuity
1106 and that waiver was in effect at the time of the member's death, a
1107 lump-sum distribution of the deceased member's accumulated
1108 contributions shall be refunded in accordance with Section
1109 25-11-117.

1110 (c) The spouse annuity shall begin on the first day of
1111 the month following the date of the member's death, but in case of
1112 late filing, retroactive payments will be made for a period of not
1113 more than one (1) year.

1114 (d) The spouse of a member who is eligible to receive a
1115 monthly benefit under paragraph (a) of this subsection (2) shall
1116 receive a benefit for life equal to the higher of the following:

1117 (i) The greater of twenty percent (20%) of the
1118 deceased member's average compensation as defined in Section
1119 25-11-103 at the time of death or Fifty Dollars (\$50.00) monthly;
1120 or

1121 (ii) Benefits calculated under Option 2 of Section
1122 25-11-115. The method of calculating the retirement benefits
1123 shall be on the same basis as provided in Section
1124 25-11-111(d) * * *, (e) or (g), as applicable. However, if the
1125 member dies before being qualified for a full, unreduced
1126 retirement allowance, then the benefits shall be reduced by an



1127 actuarially determined percentage or factor based on the lesser of
1128 either the number of years of service credit or the number of
1129 years in age required to qualify for a full, unreduced retirement
1130 allowance in Section 25-11-111(d) * * *, (e) or (g), as
1131 applicable.

1132 (e) The surviving spouse of a deceased member who
1133 previously received spouse retirement benefits under paragraph
1134 (d)(i) of this subsection from and after July 1, 1992, and whose
1135 benefits were terminated before July 1, 2004, because of
1136 remarriage, may again receive the retirement benefits authorized
1137 under paragraph (d)(i) of this subsection by making application
1138 with the board to reinstate those benefits. Any reinstatement of
1139 the benefits shall be prospective only and shall begin after the
1140 first of the month following the date of the application for
1141 reinstatement, but no earlier than July 1, 2004. From and after
1142 July 1, 2010, any spouse who chose Option 2 from and after July 1,
1143 1992, but before July 1, 2004, where the benefit, although payable
1144 for life, was less than the benefit available under the
1145 calculation in paragraph (d)(i) of this subsection shall have his
1146 or her benefit increased to the amount which provides the greater
1147 benefit.

1148 (3) (a) Subject to the maximum limitation provided in this
1149 paragraph, the member's dependent children each shall receive an
1150 annuity of the greater of ten percent (10%) of the member's
1151 average compensation as defined in Section 25-11-103 at the time



1152 of the death of the member or Fifty Dollars (\$50.00) monthly;
1153 however, if there are more than three (3) dependent children, each
1154 dependent child shall receive an equal share of a total annuity
1155 equal to thirty percent (30%) of the member's average
1156 compensation, provided that the total annuity shall not be less
1157 than One Hundred Fifty Dollars (\$150.00) per month for all
1158 children.

1159 (b) A child shall be considered to be a dependent child
1160 until marriage, or the attainment of age nineteen (19), whichever
1161 comes first; however, this age limitation shall be extended beyond
1162 age nineteen (19), but in no event beyond the attainment of age
1163 twenty-three (23), as long as the child is a student regularly
1164 pursuing a full-time course of resident study or training in an
1165 accredited high school, trade school, technical or vocational
1166 institute, junior or community college, college, university or
1167 comparable recognized educational institution duly licensed by a
1168 state. A student child who is receiving a retirement allowance as
1169 of June 30, 2016, whose birthday falls during the school year
1170 (September 1 through June 30) is considered not to reach age
1171 twenty-three (23) until the July 1 following the actual
1172 twenty-third birthday. A full-time course of resident study or
1173 training means a day or evening noncorrespondence course that
1174 includes school attendance at the rate of at least thirty-six (36)
1175 weeks per academic year or other applicable period with a subject
1176 load sufficient, if successfully completed, to attain the



1177 educational or training objective within the period generally
1178 accepted as minimum for completion, by a full-time day student, of
1179 the academic or training program concerned. Any child who is
1180 physically or mentally incompetent, as adjudged by either a
1181 Mississippi court of competent jurisdiction or by the board, shall
1182 receive benefits for as long as the incompetency exists.

1183 (c) If there are more than three (3) dependent
1184 children, upon a child's ceasing to be a dependent child, his
1185 annuity shall terminate and there shall be a redetermination of
1186 the amounts payable to any remaining dependent children.

1187 (d) Annuities payable under this subsection (3) shall
1188 begin the first day of the month following the date of the
1189 member's death or in case of late filing, retroactive payments
1190 will be made for a period of not more than one (1) year. Those
1191 benefits may be paid to a surviving parent or the lawful custodian
1192 of a dependent child for the use and benefit of the child without
1193 the necessity of appointment as guardian.

1194 (4) (a) Death benefits in the line of duty. Regardless of
1195 the number of years of the member's creditable service, the spouse
1196 and/or the dependent children of an active member who is killed or
1197 dies as a direct result of a physical injury sustained from an
1198 accident or a traumatic event caused by external violence or
1199 physical force occurring in the line of performance of duty shall
1200 qualify, on approval of the board, for a retirement allowance on
1201 the first of the month following the date of death, but in the



1202 case of late filing, retroactive payments will be made for a
1203 period of not more than one (1) year. The spouse shall receive a
1204 retirement allowance for life equal to one-half (1/2) of the
1205 average compensation as defined in Section 25-11-103. In addition
1206 to the retirement allowance for the spouse, or if there is no
1207 surviving spouse, the member's dependent child shall receive a
1208 retirement allowance in the amount of one-fourth (1/4) of the
1209 member's average compensation as defined in Section 25-11-103;
1210 however, if there are two (2) or more dependent children, each
1211 dependent child shall receive an equal share of a total annuity
1212 equal to one-half (1/2) of the member's average compensation. If
1213 there are more than two (2) dependent children, upon a child's
1214 ceasing to be a dependent child, his annuity shall terminate and
1215 there shall be a redetermination of the amounts payable to any
1216 remaining dependent children. Those benefits shall cease to be
1217 paid for the support and maintenance of each child upon the child
1218 attaining the age of nineteen (19) years; however, the spouse
1219 shall continue to be eligible for the aforesaid retirement
1220 allowance. Those benefits may be paid to a surviving parent or
1221 lawful custodian of the children for the use and benefit of the
1222 children without the necessity of appointment as guardian. Any
1223 spouse who received spouse retirement benefits under this
1224 paragraph (a) from and after April 4, 1984, and whose benefits
1225 were terminated before July 1, 2004, because of remarriage, may
1226 again receive the retirement benefits authorized under this



1227 paragraph (a) by making application with the board to reinstate
1228 those benefits. Any reinstatement of the benefits shall be
1229 prospective only and shall begin after the first of the month
1230 following the date of the application for reinstatement, but not
1231 earlier than July 1, 2004.

1232 (b) A child shall be considered to be a dependent child
1233 until marriage, or the attainment of age nineteen (19), whichever
1234 comes first; however, this age limitation shall be extended beyond
1235 age nineteen (19), but in no event beyond the attainment of age
1236 twenty-three (23), as long as the child is a student regularly
1237 pursuing a full-time course of resident study or training in an
1238 accredited high school, trade school, technical or vocational
1239 institute, junior or community college, college, university or
1240 comparable recognized educational institution duly licensed by a
1241 state. A student child who is receiving a retirement allowance as
1242 of June 30, 2016, whose birthday falls during the school year
1243 (September 1 through June 30) is considered not to reach age
1244 twenty-three (23) until the July 1 following the actual
1245 twenty-third birthday. A full-time course of resident study or
1246 training means a day or evening noncorrespondence course that
1247 includes school attendance at the rate of at least thirty-six (36)
1248 weeks per academic year or other applicable period with a subject
1249 load sufficient, if successfully completed, to attain the
1250 educational or training objective within the period generally
1251 accepted as minimum for completion, by a full-time day student, of



1252 the academic or training program concerned. Any child who is
1253 physically or mentally incompetent, as adjudged by either a
1254 Mississippi court of competent jurisdiction or by the board, shall
1255 receive benefits for as long as the incompetency exists.

1256 (5) If all the annuities provided for in this section
1257 payable on account of the death of a member terminate before there
1258 has been paid an aggregate amount equal to the member's
1259 accumulated contributions standing to the member's credit in the
1260 annuity savings account at the time of the member's death, the
1261 difference between the accumulated contributions and the aggregate
1262 amount of annuity payments shall be paid to the person that the
1263 member has nominated by written designation duly executed and
1264 filed with the board. If there is no designated beneficiary
1265 surviving at termination of benefits, the difference shall be
1266 payable under Section 25-11-117.1(1).

1267 (6) Regardless of the number of years of creditable service,
1268 upon the application of a member or employer, any active member
1269 who becomes disabled as a direct result of a physical injury
1270 sustained from an accident or traumatic event caused by external
1271 violence or physical force occurring in the line of performance of
1272 duty, provided that the medical board or other designated
1273 governmental agency after a medical examination certifies that the
1274 member is mentally or physically incapacitated for the further
1275 performance of duty and the incapacity is likely to be permanent,
1276 may be retired by the board of trustees on the first of the month



1277 following the date of filing the application but in no event shall
1278 the retirement allowance begin before the termination of state
1279 service. If a member who has been approved for a retirement
1280 allowance under this subsection does not terminate state service
1281 within ninety (90) days after the approval, the retirement
1282 allowance and the application for the allowance shall be void.
1283 The retirement allowance shall equal the allowance on disability
1284 retirement as provided in Section 25-11-113 but shall not be less
1285 than fifty percent (50%) of average compensation. Line of duty
1286 disability benefits under this section shall be administered in
1287 accordance with the provisions of Section 25-11-113(1)(b), (c),
1288 (d), (e) and (f), (3), (4), (5) and (6).

1289 (7) For purposes of determining death or disability benefits
1290 under this section, the following shall apply:

1291 (a) Death or permanent and total disability resulting
1292 from a cardiovascular, pulmonary or musculoskeletal condition that
1293 was not a direct result of a physical injury sustained from an
1294 accident or a traumatic event caused by external violence or
1295 physical force occurring in the performance of duty shall be
1296 deemed a natural death or an ordinary disability.

1297 (b) A mental disability based exclusively on employment
1298 duties occurring on an ongoing basis shall be deemed an ordinary
1299 disability.

1300 (8) If the deceased or disabled member has less than four
1301 (4) years of membership service, the average compensation as



1302 defined in Section 25-11-103 shall be the average of all annual
1303 earned compensation in state service for the purposes of benefits
1304 provided in this section.

1305 (9) In case of death or total and permanent disability under
1306 subsection (4) or subsection (6) of this section and before the
1307 board shall consider any application for a retirement allowance,
1308 the employer must certify to the board that the member's death or
1309 disability was a direct result of an accident or a traumatic event
1310 occurring during and as a result of the performance of the regular
1311 and assigned duties of the employee and that the death or
1312 disability was not the result of the willful negligence of the
1313 employee.

1314 (10) The application for the retirement allowance must be
1315 filed within one (1) year after death of an active member who is
1316 killed in the line of performance of duty or dies as a direct
1317 result of an accident occurring in the line of performance of duty
1318 or traumatic event; but the board of trustees may consider an
1319 application for disability filed after the one-year period if it
1320 can be factually demonstrated to the satisfaction of the board of
1321 trustees that the disability is due to the accident and that the
1322 filing was not accomplished within the one-year period due to a
1323 delayed manifestation of the disability or to circumstances beyond
1324 the control of the member. However, in case of late filing,
1325 retroactive payments will be made for a period of not more than
1326 one (1) year only.



1327 (11) (a) Notwithstanding any other section of this article
1328 and in lieu of any payments to a designated beneficiary for a
1329 refund of contributions under Section 25-11-117, the spouse and/or
1330 children shall be eligible for the benefits payable under this
1331 section, and the spouse may elect, for both the spouse and/or
1332 children, to receive benefits in accordance with either
1333 subsections (2) and (3) or subsection (4) of this section;
1334 otherwise, the contributions to the credit of the deceased member
1335 shall be refunded in accordance with Section 25-11-117.

1336 (b) Notwithstanding any other section of this article,
1337 a spouse who is entitled to receive a monthly benefit under either
1338 subsection (2) or (4) of this section and who is also the named
1339 beneficiary for a refund of accumulated contributions in the
1340 member's annuity savings account, may, after the death of the
1341 member, elect to receive a refund of accumulated contributions in
1342 lieu of a monthly allowance, provided that there are no dependent
1343 children entitled to benefits under subsection (3) of this
1344 section.

1345 (12) If the member has previously received benefits from the
1346 system to which he was not entitled and has not repaid in full all
1347 amounts payable by him to the system, the annuity amounts
1348 otherwise provided by this section shall be withheld and used to
1349 effect repayment until the total of the withholdings repays in
1350 full all amounts payable by him to the system.



1351 **SECTION 7.** Section 25-11-115, Mississippi Code of 1972, is
1352 amended as follows:

1353 25-11-115. (1) Upon application for superannuation or
1354 disability retirement, any member may elect to receive his or her
1355 benefit in a retirement allowance payable throughout life with no
1356 further payments to anyone at the member's death, except that if
1357 the member's total retirement payments under this article do not
1358 equal the member's total contributions under this article, the
1359 named beneficiary shall receive the difference in cash at the
1360 member's death. Or the member may elect upon retirement, or upon
1361 becoming eligible for retirement, to receive the actuarial
1362 equivalent subject to the provisions of subsection (3) of this
1363 section of his or her retirement allowance in a reduced retirement
1364 allowance payable throughout life with the provision that:

1365 **Option 1.** If the retired member dies before he or she has
1366 received in annuity payment the value of the member's annuity
1367 savings account as it was at the time of the member's retirement,
1368 the balance shall be paid to the legal representative or to such
1369 person as the member has nominated by written designation duly
1370 acknowledged and filed with the board;

1371 **Option 2.** Upon the retired member's death, his or her
1372 reduced retirement allowance shall be continued throughout the
1373 life of, and paid to, such person as the member has nominated by
1374 written designation duly acknowledged and filed with the board of
1375 trustees at the time of his or her retirement;



1376 **Option 3.** Upon the retired member's death, one-half (1/2) of
1377 his or her reduced retirement allowance shall be continued
1378 throughout the life of, and paid to, such person as the member has
1379 nominated by written designation duly acknowledged and filed with
1380 the board of trustees at the time of his or her retirement, and
1381 the other one-half (1/2) of his or her reduced retirement
1382 allowance to some other designated beneficiary;

1383 **Option 4.** Upon the retired member's death, three-fourths
1384 (3/4) of his or her reduced retirement allowance, or such other
1385 specified amount, shall be continued throughout the life of, and
1386 paid to, such person as the member has nominated by written
1387 designation duly acknowledged and filed with the board of trustees
1388 at the time of his or her retirement;

1389 **Option 4-A.** Upon the retired member's death, one-half (1/2)
1390 of his or her reduced retirement allowance, or such other
1391 specified amount, shall be continued throughout the life of, and
1392 paid to, such person as the member has nominated by written
1393 designation duly acknowledged and filed with the board of trustees
1394 at the time of his or her retirement;

1395 **Option 4-B.** A reduced retirement allowance shall be
1396 continued throughout the life of the retirant, but with the
1397 further guarantee of payments to the named beneficiary or
1398 beneficiaries for a specified number of years certain. If the
1399 retired member or the last designated beneficiary both die before
1400 receiving all guaranteed payments due, the actuarial equivalent of



1401 the remaining payments shall be paid to the successors of the
1402 retired member under Section 25-11-117.1(1);

1403 **Option 6.** Any member who became a member of the system
1404 before July 1, 2007, and who has at least twenty-eight (28) years
1405 of creditable service at the time of retirement or who is at least
1406 sixty-three (63) years of age and eligible to retire, may select
1407 the maximum retirement benefit or an optional benefit as provided
1408 in this subsection together with a partial lump-sum distribution.
1409 Any member who became a member of the system on or after July 1,
1410 2007, but before July 1, 2011, and who has at least twenty-eight
1411 (28) years of creditable service at the time of retirement may
1412 select the maximum retirement benefit or any optional benefit as
1413 provided in this subsection together with a partial lump-sum
1414 distribution. Any member who became a member of the system on or
1415 after July 1, 2011, but before March 1, 2026, and who has at least
1416 thirty-three (33) years of creditable service at the time of
1417 retirement may select the maximum retirement benefit or any
1418 optional benefit as provided in this subsection together with a
1419 partial lump-sum distribution. Any member who became a member of
1420 the system on or after March 1, 2026, shall not be eligible for a
1421 partial lump-sum distribution. The amount of the lump-sum
1422 distribution under this option shall be equal to the maximum
1423 monthly benefit multiplied by twelve (12), twenty-four (24) or
1424 thirty-six (36) as selected by the member. The maximum retirement
1425 benefit shall be actuarially reduced to reflect the amount of the



1426 lump-sum distribution selected and further reduced for any other
1427 optional benefit selected. The annuity and lump-sum distribution
1428 shall be computed to result in no actuarial loss to the system.
1429 The lump-sum distribution shall be made as a single payment
1430 payable at the time the first monthly annuity payment is paid to
1431 the retiree. The amount of the lump-sum distribution shall be
1432 deducted from the member's annuity savings account in computing
1433 what contributions remain at the death of the retiree and/or a
1434 beneficiary. The lump-sum distribution option may be elected only
1435 once by a member upon initial retirement, and may not be elected
1436 by a retiree, by members applying for a disability retirement
1437 annuity, or by survivors.

1438 (2) No change in the option selected shall be permitted
1439 after the member's death or after the member has received his or
1440 her first retirement check except as provided in subsections (3)
1441 and (4) of this section and in Section 25-11-127. Members who are
1442 pursuing a disability retirement allowance and simultaneously or
1443 later elect to begin to receive a service retirement allowance
1444 while continuing to pursue a disability retirement allowance,
1445 shall not be eligible to select Option 6 and that option may not
1446 be selected at a later time if the application for a disability
1447 retirement allowance is voided or denied. However, any retired
1448 member who is receiving a retirement allowance under Option 2 or
1449 Option 4-A upon July 1, 1992, and whose designated beneficiary
1450 predeceased him or her or whose marriage to a spouse who is his or



1451 her designated beneficiary is terminated by divorce or other
1452 dissolution, upon written notification to the retirement system of
1453 the death of the designated beneficiary or of the termination of
1454 the retired member's marriage to the designated beneficiary, the
1455 retirement allowance payable to the member after receipt of that
1456 notification by the retirement system shall be equal to the
1457 retirement allowance that would have been payable if the member
1458 had not elected the option. In addition, any retired member who
1459 is receiving the maximum retirement allowance for life, a
1460 retirement allowance under Option 1 or who is receiving a
1461 retirement allowance under Option 2 or Option 4-A on July 1, 1992,
1462 may elect to provide survivor benefits under Option 2 or Option
1463 4-A to a spouse who was not previously the member's beneficiary
1464 and whom the member married before July 1, 1992.

1465 (3) Any retired member who is receiving a reduced retirement
1466 allowance under Option 2, Option 4 or Option 4-A whose designated
1467 beneficiary predeceases him or her, or whose marriage to a spouse
1468 who is his or her designated beneficiary is terminated by divorce
1469 or other dissolution, may elect to cancel the reduced retirement
1470 allowance and receive the maximum retirement allowance for life in
1471 an amount equal to the amount that would have been payable if the
1472 member had not elected Option 2, Option 4 or Option 4-A. That
1473 election must be made in writing to the office of the executive
1474 director of the system on a form prescribed by the board. Any
1475 such election shall be effective the first of the month following



1476 the date the election is received by the system; however, the
1477 election may be applied retroactively for not more than three (3)
1478 months but no earlier than the first of the month following the
1479 date of the death of the beneficiary.

1480 (4) Any retired member who is receiving the maximum
1481 retirement allowance for life, or a retirement allowance under
1482 Option 1, and who marries after his or her retirement may elect to
1483 cancel the maximum retirement allowance and receive a reduced
1484 retirement allowance under Option 2, Option 4 or Option 4-A to
1485 provide continuing lifetime benefits to his or her spouse. That
1486 election must be made in writing to the office of the executive
1487 director of the system on a form prescribed by the board not
1488 earlier than the date of the marriage and not later than one (1)
1489 year from the date of the marriage. Any such election shall be
1490 effective the first of the month following the date the election
1491 is received by the system.

1492 (5) (a) Except as otherwise provided in this subsection, if
1493 the election of an optional benefit is made after the member has
1494 attained the age of sixty-five (65) years, the actuarial
1495 equivalent factor shall be used to compute the reduced retirement
1496 allowance as if the election had been made on his or her
1497 sixty-fifth birthday; however, from and after January 1, 2003, if
1498 there is an election of Option 6 after the member has attained the
1499 age of sixty-five (65) years, the actuarial equivalent factor
1500 based on the retiree's age at the time of retirement shall be used



1501 to compute the reduced maximum monthly retirement allowance.
1502 However, if a retiree marries or remarries after retirement and
1503 elects either Option 2 or Option 4-A as provided in subsection (2)
1504 or (4) of this section, the actuarial equivalent factor used to
1505 compute the reduced retirement allowance shall be the factor for
1506 the age of the retiree and his or her beneficiary at the time such
1507 election for recalculation of benefits is made.

1508 (b) For members who retire on or after July 1, 2012,
1509 the actuarial equivalent factor used to compute the reduced
1510 retirement allowance at retirement or upon any subsequent
1511 recalculation of the benefit shall be the factor for the age of
1512 the retiree and his or her beneficiary at the time of retirement
1513 or at the time an election for recalculation of benefits is made.

1514 (6) Notwithstanding any provision of Section 25-11-1 et
1515 seq., no payments may be made for a retirement allowance on a
1516 monthly basis for a period of time in excess of that allowed by
1517 federal law.

1518 (7) If a retirant and his or her eligible beneficiary, if
1519 any, both die before they have received in annuity payments a
1520 total amount equal to the accumulated contributions standing to
1521 the retirant's credit in the annuity savings account at the time
1522 of his or her retirement, the difference between the accumulated
1523 contributions and the total amount of annuities received by them
1524 shall be paid to such persons as the retirant has nominated by
1525 written designation duly executed and filed in the office of the



1526 executive director. If no designated person survives the retirant
1527 and his or her beneficiary, the difference, if any, shall be paid
1528 under Section 25-11-117.1(1).

1529 (8) Any retired member who retired on Option 2(5) or 4-A(5)
1530 before July 1, 1992, who is still receiving a retirement allowance
1531 on July 1, 1994, shall receive an increase in the annual
1532 retirement allowance effective July 1, 1994, equal to the amount
1533 they would have received under Option 2 or Option 4-A without a
1534 reduction for Option 5 based on the ages at retirement of the
1535 retiree and beneficiary and option factors in effect on July 1,
1536 1992. That increase shall be prospective only.

1537 **SECTION 8.** Section 25-11-117, Mississippi Code of 1972, is
1538 amended as follows:

1539 25-11-117. (1) A member may be paid a refund of the amount
1540 of accumulated contributions to the credit of the member in the
1541 annuity savings account, provided that the member has withdrawn
1542 from state service and has not returned to state service on the
1543 date the refund of the accumulated contributions would be paid.
1544 That refund of the contributions to the credit of the member in
1545 the annuity savings account shall be paid within ninety (90) days
1546 from receipt in the office of the retirement system of the
1547 properly completed form requesting the payment. In the event of
1548 death before retirement of any member whose spouse and/or children
1549 are not entitled to a retirement allowance, the accumulated
1550 contributions to the credit of the deceased member in the annuity



1551 savings account shall be paid to the designated beneficiary on
1552 file in writing in the office of the executive director of the
1553 board of trustees within ninety (90) days from receipt of a
1554 properly completed form requesting the payment. If there is no
1555 such designated beneficiary on file for the deceased member in the
1556 office of the system, upon the filing of a proper request with the
1557 board, the contributions to the credit of the deceased member in
1558 the annuity savings account shall be refunded under Section
1559 25-11-117.1(1). The payment of the refund shall discharge all
1560 obligations of the retirement system to the member on account of
1561 any creditable service rendered by the member before the receipt
1562 of the refund. By the acceptance of the refund, the member shall
1563 waive and relinquish all accrued rights in the system.

1564 (2) Under the Unemployment Compensation Amendments of 1992
1565 (Public Law 102-318 (UCA)), a member or the spouse of a member who
1566 is an eligible beneficiary entitled to a refund under this section
1567 may elect, on a form prescribed by the board under rules and
1568 regulations established by the board, to have an eligible rollover
1569 distribution of accumulated contributions payable under this
1570 section paid directly to an eligible retirement plan, as defined
1571 under applicable federal law, or an individual retirement account.
1572 If the member or the spouse of a member who is an eligible
1573 beneficiary makes that election and specifies the eligible
1574 retirement plan or individual retirement account to which the
1575 distribution is to be paid, the distribution will be made in the



1576 form of a direct trustee-to-trustee transfer to the specified
1577 eligible retirement plan. A nonspouse beneficiary may elect to
1578 have an eligible rollover distribution paid in the form of a
1579 direct trustee-to-trustee transfer to an individual retirement
1580 account established to receive the distribution on behalf of the
1581 nonspouse beneficiary. Flexible rollovers under this subsection
1582 shall not be considered assignments under Section 25-11-129.

1583 (3) (a) If any person who has received a refund, reenters
1584 the state service and again becomes a member of the system before
1585 July 1, 2007, the member may repay all or part of the amounts
1586 previously received as a refund, together with regular interest
1587 covering the period from the date of refund to the date of
1588 repayment; however, the amounts that are repaid by the member and
1589 the creditable service related thereto shall not be used in any
1590 benefit calculation or determination until the member has remained
1591 a contributor to the system for a period of at least four (4)
1592 years after the member's reentry into state service. Repayment
1593 for that time shall be made beginning with the most recent service
1594 for which refund has been made. Upon the repayment of all or part
1595 of that refund and interest, the member shall again receive credit
1596 for the period of creditable service for which full repayment has
1597 been made to the system.

1598 (b) If any person who has received a refund, reenters
1599 the state service and again becomes a member of the system on or
1600 after July 1, 2007, but before March 1, 2026, the member may repay



1601 all or part of the amounts previously received as a refund,
1602 together with regular interest covering the period from the date
1603 of refund to the date of repayment; however, the amounts that are
1604 repaid by the member and the creditable service related thereto
1605 shall not be used in any benefit calculation or determination
1606 until the member has remained a contributor to the system for a
1607 period of at least eight (8) years after the member's reentry into
1608 state service. Repayment for that time shall be made beginning
1609 with the most recent service for which refund has been made. Upon
1610 the repayment of all or part of that refund and interest, the
1611 member shall again receive credit for the period of creditable
1612 service for which full repayment has been made to the system.

1613 (c) If any person who has received a refund reenters
1614 state service and again becomes a member of the system on or after
1615 March 1, 2026, the member shall not be eligible to repay any
1616 portion of amounts previously received as a refund and may not
1617 receive creditable service for service rendered before March 1,
1618 2026.

1619 (4) (a) In order to provide a source of income to members
1620 who have applied for disability benefits under Section 25-11-113
1621 or 25-11-114, the board may provide, at the employee's election, a
1622 temporary benefit to be paid from the member's accumulated
1623 contributions, if any, without forfeiting the right to pursue
1624 disability benefits, provided that the member has exhausted all
1625 personal and medical leave and has terminated his or her



1626 employment. The board may prescribe rules and regulations for
1627 carrying out the provisions of this subsection (4).

1628 (b) If a member who has elected to receive temporary
1629 benefits under this subsection later applies for a refund of his
1630 or her accumulated contributions, all amounts paid under this
1631 subsection shall be deducted from the accumulated contributions
1632 and the balance will be paid to the member. If a member who has
1633 elected to receive temporary benefits under this subsection is
1634 later approved for a disability retirement allowance, and a
1635 service retirement allowance or survivor benefits are paid on the
1636 account, the board shall adjust the benefits in such a manner that
1637 no more than the actuarial equivalent of the benefits to which the
1638 member or beneficiary was or is entitled shall be paid.

1639 (c) The board may study, develop and propose a
1640 disability benefit structure, including short- and long-term
1641 disability benefits, provided that it is the actuarial equivalent
1642 of the benefits currently provided in Section 25-11-113 or
1643 25-11-114.

1644 **SECTION 9.** Section 25-11-123, Mississippi Code of 1972, is
1645 amended as follows:

1646 25-11-123. All of the assets of the system shall be credited
1647 according to the purpose for which they are held to one (1) of
1648 four (4) reserves; namely, the annuity savings account, the
1649 annuity reserve, the employer's accumulation account, and the
1650 expense account; however, any employee who became a member of the



1651 system on or after March 1, 2026, shall also have a defined
1652 contribution plan administered by the system, as provided in
1653 Section 1 of this act.

1654 (a) **Annuity savings account.** In the annuity savings
1655 account shall be accumulated the contributions made by members to
1656 provide for their annuities, including interest thereon which
1657 shall be posted monthly. Credits to and charges against the
1658 annuity savings account shall be made as follows:

1659 (1) Beginning July 1, 2010, except as otherwise
1660 provided in Section 25-11-126, the employer shall cause to be
1661 deducted from the salary of each member on each and every payroll
1662 of the employer for each and every payroll period nine percent
1663 (9%) of earned compensation as defined in Section 25-11-103;
1664 however, for any employee who became a member of the system on or
1665 after March 1, 2026, only four percent (4%) of such earned
1666 compensation shall be deposited into the annuity savings account,
1667 with the remaining five percent (5%), to be deposited into the
1668 employee's defined contribution account authorized in Section 1 of
1669 this act. Future contributions shall be fixed biennially by the
1670 board on the basis of the liabilities of the retirement system for
1671 the various allowances and benefits as shown by actuarial
1672 valuation; however, any member earning at a rate less than Sixteen
1673 Dollars and Sixty-seven Cents (\$16.67) per month, or Two Hundred
1674 Dollars (\$200.00) per year, shall contribute not less than One
1675 Dollar (\$1.00) per month, or Twelve Dollars (\$12.00) per year.



1676 (2) The deductions provided in paragraph (1) of
1677 this subsection shall be made notwithstanding that the minimum
1678 compensation provided by law for any member is reduced by the
1679 deduction. Every member shall be deemed to consent and agree to
1680 the deductions made and provided for in paragraph (1) of this
1681 subsection and shall receipt for his full salary or compensation,
1682 and payment of salary or compensation less the deduction shall be
1683 a full and complete discharge and acquittance of all claims and
1684 demands whatsoever for the services rendered by the person during
1685 the period covered by the payment, except as to the benefits
1686 provided under Articles 1 and 3. The board shall provide by rules
1687 for the methods of collection of contributions from members and
1688 the employer. The board shall have full authority to require the
1689 production of evidence necessary to verify the correctness of
1690 amounts contributed.

1691 (b) **Annuity reserve.** The annuity reserve shall be the
1692 account representing the actuarial value of all annuities in
1693 force, and to it shall be charged all annuities and all benefits
1694 in lieu of annuities, payable as provided in this article. If a
1695 beneficiary retired on account of disability is restored to active
1696 service with a compensation not less than his average final
1697 compensation at the time of his last retirement, the remainder of
1698 his contributions shall be transferred from the annuity reserve to
1699 the annuity savings account and credited to his individual account



1700 therein, and the balance of his annuity reserve shall be
1701 transferred to the employer's accumulation account.

1702 (c) **Employer's accumulation account.** The employer's
1703 accumulation account shall represent the accumulation of all
1704 reserves for the payment of all retirement allowances and other
1705 benefits payable from contributions made by the employer, and
1706 against this account shall be charged all retirement allowances
1707 and other benefits on account of members. Credits to and charges
1708 against the employer's accumulation account shall be made as
1709 follows:

1710 (1) On account of each member who became a member
1711 of the system before March 1, 2026, there shall be paid monthly
1712 into the employer's accumulation account by the employers for the
1713 preceding fiscal year an amount equal to a certain percentage of
1714 the total earned compensation, as defined in Section 25-11-103, of
1715 each member. From and after May 9, 2024, the increase in the
1716 employer's contribution rate scheduled to take effect on July 1,
1717 2024, is rescinded and shall not take effect; however, on July 1
1718 of each year from 2024 through 2028, the employer's contribution
1719 rate shall be increased by one-half percent (1/2%). For each
1720 member who became a member of the system on or after March 1,
1721 2026, except as provided in Section 1 of this act, the employer's
1722 monthly payment under this paragraph (1) shall be applied to the
1723 accrued liability contribution fund.



1724 (2) For the public good, any recommendation by the
1725 board to adjust the employer contributions * * * may be
1726 accompanied by at least two (2) assessments from actuaries who are
1727 independent from each other and the retirement plan. The
1728 actuaries shall analyze the economic impact of any such
1729 recommendation to the system and state, including, but not limited
1730 to, information showing the fiscal impact to every agency and arm
1731 of the state, including, but not limited to, state agencies,
1732 cities, counties and school districts. The actuarial assessments,
1733 with any such recommendation to adjust the employer contributions,
1734 shall be submitted to the Lieutenant Governor, Speaker of the
1735 House, Chairman of the Senate Appropriations Committee and
1736 Chairman of the House Appropriations Committee.

1737 (3) The board shall have the authority to make
1738 recommendations regarding additional funding sources for the
1739 retirement plan, including employer contribution increases, based
1740 on the assets and liabilities of the retirement plan, and the
1741 analyses required by paragraph (2) of this subsection (c). The
1742 Legislature shall have the sole authority to implement any such
1743 recommendations. It is the intent of the Legislature that, in the
1744 2025 Regular Session, a law be enacted to create a new tier for
1745 future members of the system, in furtherance of the system's
1746 continued financial stability and sustainability.

1747 (4) This section shall not be construed to provide
1748 authority to reduce or eliminate any earned benefits to be



1749 provided by the state to persons who, before July 1, 2025, are
1750 drawing a retirement allowance or are members of the system.

1751 (5) On the basis of regular interest and of such
1752 mortality and other tables as are adopted by the board of
1753 trustees, the actuary engaged by the board to make each valuation
1754 required by this article during the period over which the accrued
1755 liability contribution is payable, immediately after making that
1756 valuation, shall determine the uniform and constant percentage of
1757 the earnable compensation of each member which, if contributed by
1758 the employer on the basis of compensation of the member throughout
1759 his entire period of membership service, would be sufficient to
1760 provide for the payment of any retirement allowance payable on his
1761 account for that service. The percentage rate so determined shall
1762 be known as the "normal contribution rate." After the accrued
1763 liability contribution has ceased to be payable, the normal
1764 contribution rate shall be the percentage rate of the salary of
1765 all members obtained by deducting from the total liabilities on
1766 account of membership service the amount in the employer's
1767 accumulation account, and dividing the remainder by one percent
1768 (1%) of the present value of the prospective future salaries of
1769 all members as computed on the basis of the mortality and service
1770 tables adopted by the board of trustees and regular interest. The
1771 normal rate of contributions shall be determined by the actuary
1772 after each valuation.



1773 (6) The total amount payable in each year to the
1774 employer's accumulation account shall not be less than the sum of
1775 the percentage rate known as the "normal contribution rate" and
1776 the "accrued liability contribution rate" of the total
1777 compensation earnable by all members during the preceding year,
1778 provided that the payment by the employer shall be sufficient,
1779 when combined with the amounts in the account, to provide the
1780 allowances and other benefits chargeable to this account during
1781 the year then current.

1782 (7) The accrued liability contribution shall be
1783 discontinued as soon as the accumulated balance in the employer's
1784 accumulation account shall equal the present value, computed on
1785 the basis of the normal contribution rate then in force, or the
1786 prospective normal contributions to be received on account of all
1787 persons who are at that time members.

1788 (8) All allowances and benefits in lieu thereof,
1789 with the exception of those payable on account of members who
1790 receive no prior service credit, payable from contributions of the
1791 employer, shall be paid from the employer's accumulation account.

1792 (9) Upon the retirement of a member, an amount
1793 equal to his retirement allowance shall be transferred from the
1794 employer's accumulation account to the annuity reserve.

1795 (10) The employer's accumulation account shall be
1796 credited with any assets authorized by law to be credited to the
1797 account.



1798 (d) **Expense account.** The expense account shall be the
1799 account to which the expenses of the administration of the system
1800 shall be charged, exclusive of amounts payable as retirement
1801 allowances and as other benefits provided herein. The Legislature
1802 shall make annual appropriations in amounts sufficient to
1803 administer the system, which shall be credited to this account.
1804 There shall be transferred to the State Treasury from this
1805 account, not less than once per month, an amount sufficient for
1806 payment of the estimated expenses of the system for the succeeding
1807 thirty (30) days. Any interest earned on the expense account
1808 shall accrue to the benefit of the system. However,
1809 notwithstanding the provisions of Sections 25-11-15(10) and
1810 25-11-105(f) (v) 5, all expenses of the administration of the system
1811 shall be paid from the interest earnings, provided the interest
1812 earnings are in excess of the actuarial interest assumption as
1813 determined by the board, and provided the present cost of the
1814 administrative expense fee of two percent (2%) of the
1815 contributions reported by the political subdivisions and
1816 instrumentalities shall be reduced to one percent (1%) from and
1817 after July 1, 1983, through June 30, 1984, and shall be eliminated
1818 thereafter.

1819 (e) **Collection of contributions.** The employer shall
1820 cause to be deducted on each and every payroll of a member for
1821 each and every payroll period, beginning subsequent to January 31,



1822 1953, the contributions payable by the member as provided in
1823 Articles 1 and 3.

1824 The employer shall make deductions from salaries of employees
1825 as provided in Articles 1 and 3 and shall transmit monthly, or at
1826 such time as the board of trustees designates, the amount
1827 specified to be deducted to the Executive Director of the Public
1828 Employees' Retirement System. The executive director, after
1829 making a record of all those receipts, shall deposit such amounts
1830 as provided by law.

1831 (f) (1) The sum of the normal contribution rate and the
1832 accrued liability contribution rate shall be known as the
1833 "employer's contribution rate."

1834 (2) The amount payable by the employer on account
1835 of normal and accrued liability contributions shall be determined
1836 by applying the employer's contribution rate to the amount of
1837 compensation earned by employees who are members of the system.
1838 Monthly, or at such time as the board of trustees designates, each
1839 department or agency shall compute the amount of the employer's
1840 contribution payable, with respect to the salaries of its
1841 employees who are members of the system, and shall cause that
1842 amount to be paid to the board of trustees from the personal
1843 service allotment of the amount appropriated for the operation of
1844 the department or agency, or from funds otherwise available to the
1845 agency, for the payment of salaries to its employees.



1846 (3) Except as otherwise provided in Section
1847 25-11-106:

1848 (i) Constables shall pay employer and
1849 employee contributions on their net fee income as well as the
1850 employee contributions on all direct treasury or county payroll
1851 income.

1852 (ii) The county shall be responsible for the
1853 employer contribution on all direct treasury or county payroll
1854 income of constables.

1855 (4) Except as otherwise provided in Section
1856 25-11-106.1, chancery and circuit clerks shall be responsible for
1857 both the employer and employee share of contributions on the
1858 proportionate share of net income attributable to fees, as well as
1859 the employee share of net income attributable to direct treasury
1860 or county payroll income, and the employing county shall be
1861 responsible for the employer contributions on the net income
1862 attributable to direct treasury or county payroll income.

1863 (5) Once each year, under procedures established
1864 by the system, each employer shall submit to the Public Employees'
1865 Retirement System a copy of their report to Social Security of all
1866 employees' earnings.

1867 (6) The board shall provide by rules for the
1868 methods of collection of contributions of employers and members.
1869 The amounts determined due by an agency to the various funds as
1870 specified in Articles 1 and 3 are made obligations of the agency



1871 to the board and shall be paid as provided herein. Failure to
1872 deduct those contributions shall not relieve the employee and
1873 employer from liability thereof. Delinquent employee
1874 contributions and any accrued interest shall be the obligation of
1875 the employee and delinquent employer contributions and any accrued
1876 interest shall be the obligation of the employer. The employer
1877 may, in its discretion, elect to pay any or all of the interest on
1878 delinquent employee contributions. From and after July 1, 1996,
1879 under rules and regulations established by the board, all
1880 employers are authorized and shall transfer all funds due to the
1881 Public Employees' Retirement System electronically and shall
1882 transmit any wage or other reports by computerized reporting
1883 systems.

1884 **SECTION 10.** Section 25-11-305, Mississippi Code of 1972, is
1885 amended as follows:

1886 25-11-305. (1) The membership of the Supplemental
1887 Legislative Retirement Plan shall be composed as follows:

1888 (a) All members of the State Legislature who are
1889 currently serving in the capacity of an elected official of the
1890 State Legislature and the person currently serving as President of
1891 the Senate shall become members of this system on July 1, 1989,
1892 unless they file with the board within thirty (30) days after July
1893 1, 1989, on a form prescribed by the board, a notice of election
1894 not to be covered in the membership of the Supplemental
1895 Legislative Retirement Plan and a duly executed waiver of all



1896 present and prospective benefits which would otherwise inure to
1897 them on account of their participation in the plan.

1898 (b) All members of the State Legislature and the
1899 President of the Senate who are elected after July 1, 1989, but
1900 before March 1, 2026.

1901 (2) Any state legislators who would have otherwise qualified
1902 for membership in the plan under subsection (1) of this section
1903 but who were excluded from membership by other provisions of this
1904 section as it read before March 26, 1991, shall become members of
1905 the plan upon March 26, 1991, and shall receive creditable service
1906 in the plan for the period from July 1, 1989, to March 26, 1991,
1907 upon payment of the proper employee and employer contributions for
1908 that period.

1909 (3) Membership in the plan shall cease by a member
1910 withdrawing his accumulated contributions, or by a member
1911 withdrawing from active service with a retirement allowance, or by
1912 death of the member.

1913 (4) No benefits under the plan shall accrue or otherwise be
1914 payable to any person who does not qualify for membership in the
1915 plan under subsection (1) of this section.

1916 (5) If a member of the Supplemental Legislative Retirement
1917 Plan under this article withdrew from state service and received a
1918 refund of the amount of the accumulated contributions to the
1919 credit of the member before March 1, 2026, and the person reenters
1920 state service on or after March 1, 2026, the member shall be



1921 considered to have become a member of the Public Employees'
1922 Retirement System of Mississippi under Article 3 of this chapter
1923 on or after March 1, 2026, and may not receive creditable service
1924 for service rendered before March 1, 2026.

1925 **SECTION 11.** Section 1 of this act shall be codified in
1926 Article 3, Chapter 11, Title 25, Mississippi Code of 1972.

1927 **SECTION 12.** This act shall take effect and be in force from
1928 and after March 1, 2026.

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

1 AN ACT TO CREATE A NEW TIER IN THE MISSISSIPPI PUBLIC
2 EMPLOYEES' RETIREMENT SYSTEM OF MISSISSIPPI FOR EMPLOYEES BECOMING
3 MEMBERS OF THE SYSTEM ON OR AFTER MARCH 1, 2026, WHICH SHALL
4 CONSIST OF A DEFINED BENEFIT COMPONENT AND A DEFINED CONTRIBUTION
5 COMPONENT; TO SPECIFY THAT THE DEFINED CONTRIBUTION COMPONENT
6 SHALL BE A PLAN UNDER SECTION 401(A) OF THE INTERNAL REVENUE CODE;
7 TO PROVIDE THAT A PORTION OF THE EMPLOYEE'S CONTRIBUTIONS SHALL BE
8 DEPOSITED INTO THE EMPLOYEE'S DEFINED CONTRIBUTION ACCOUNT, AND IN
9 ADDITION, THE EMPLOYER MAY ELECT TO CONTRIBUTE AN AMOUNT UP TO THE
10 MAXIMUM PRETAX AMOUNT ALLOWABLE UNDER FEDERAL LAW; TO PROVIDE THAT
11 MEMBERS SHALL BE VESTED IMMEDIATELY IN THE DEFINED CONTRIBUTION
12 PLAN; TO AMEND SECTION 25-11-103, MISSISSIPPI CODE OF 1972, TO
13 REVISE THE DEFINITION OF "AVERAGE COMPENSATION" FOR MEMBERS IN THE
14 NEW TIER TO MEAN THE AVERAGE OF THE EIGHT HIGHEST CONSECUTIVE
15 YEARS OF EARNED COMPENSATION, OR OF THE LAST 96 CONSECUTIVE MONTHS
16 OF EARNED COMPENSATION, WHICHEVER IS GREATER; TO AMEND THE
17 DEFINITION OF "MEMBER" TO PROVIDE THAT, IF A PERSON WITHDRAWS FROM
18 STATE SERVICE AND RECEIVES A REFUND BEFORE MARCH 1, 2026, AND
19 REENTERS STATE SERVICE ON OR AFTER MARCH 1, 2026, THE MEMBER SHALL
20 BE CONSIDERED TO HAVE BECOME A MEMBER OF THE SYSTEM ON OR AFTER
21 MARCH 1, 2026, AND NO PRIOR SERVICE SHALL BE CREDITED; TO AMEND
22 SECTION 25-11-109, MISSISSIPPI CODE OF 1972, TO LIMIT THE
23 CIRCUMSTANCES FOR WHICH CREDITABLE SERVICE MAY BE AWARDED FOR
24 EMPLOYEES BECOMING MEMBERS OF THE SYSTEM ON OR AFTER MARCH 1,
25 2026; TO AMEND SECTION 25-11-111, MISSISSIPPI CODE OF 1972, TO
26 PROVIDE THAT MEMBERS IN THE NEW TIER WHO HAVE COMPLETED AT LEAST
27 EIGHT YEARS OF MEMBERSHIP SERVICE SHALL BE ENTITLED TO RECEIVE A
28 RETIREMENT ALLOWANCE UPON WITHDRAWAL FROM SERVICE AT THE AGE OF



29 62, AND MEMBERS WHO HAVE COMPLETED AT LEAST 35 YEARS OF CREDITABLE
30 SERVICE SHALL BE ENTITLED TO RECEIVE A RETIREMENT ALLOWANCE UPON
31 WITHDRAWAL FROM SERVICE REGARDLESS OF AGE; TO PROVIDE THAT MEMBERS
32 IN THE NEW TIER WHO WITHDRAW FROM SERVICE BEFORE AGE 65 AND HAVE
33 COMPLETED AT LEAST EIGHT YEARS OF MEMBERSHIP SERVICE AND HAVE NOT
34 RECEIVED A REFUND OF THEIR CONTRIBUTIONS SHALL BE ENTITLED TO
35 RECEIVE A RETIREMENT ALLOWANCE UPON ATTAINING THE AGE OF 65; TO
36 PROVIDE THAT THE MEMBER'S ANNUAL RETIREMENT ALLOWANCE FROM THE
37 DEFINED BENEFIT PLAN SHALL CONSIST OF A MEMBER'S ANNUITY, WHICH
38 SHALL BE EQUAL TO 1% OF THE AVERAGE COMPENSATION FOR EACH YEAR OF
39 CREDITABLE SERVICE; TO PROVIDE THAT THE ANNUAL RETIREMENT
40 ALLOWANCE OF A MEMBER WHO HAS ATTAINED THE AGE OF 62 BUT HAS NOT
41 COMPLETED AT LEAST 30 YEARS OF CREDITABLE SERVICE SHALL BE REDUCED
42 BY AN ACTUARIAL EQUIVALENT FACTOR FOR EACH YEAR OF CREDITABLE
43 SERVICE BELOW 30 YEARS OR THE NUMBER OF YEARS IN AGE THAT THE
44 MEMBER IS BELOW AGE 65, WHICHEVER IS LESS; TO AMEND SECTION
45 25-11-112, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THERE SHALL
46 BE NO ANNUAL COST-OF-LIVING ADJUSTMENT FOR THE RETIREMENT
47 ALLOWANCE APPLICABLE TO THE NEW TIER, ALTHOUGH THE LEGISLATURE MAY
48 PROVIDE AN ADDITIONAL BENEFIT FOR A SPECIFIC YEAR; TO AMEND
49 SECTION 25-11-114, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE
50 PROVISIONS OF THIS ACT WITH RESPECT TO RETIREMENT ALLOWANCES FOR
51 DEATH BEFORE RETIREMENT OR DEATH OR DISABILITY IN THE LINE OF
52 DUTY; TO AMEND SECTION 25-11-115, MISSISSIPPI CODE OF 1972, TO
53 PROVIDE THAT A MEMBER IN THE NEW TIER SHALL NOT BE ELIGIBLE FOR A
54 PARTIAL LUMP-SUM DISTRIBUTION; TO AMEND SECTION 25-11-117,
55 MISSISSIPPI CODE OF 1972, TO CONFORM; TO AMEND SECTION 25-11-123,
56 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT, FOR MEMBERS IN THE NEW
57 TIER, THE EMPLOYEE'S CONTRIBUTION SHALL BE 9% OF EARNED
58 COMPENSATION, 4% OF WHICH SHALL BE DEPOSITED INTO THE ANNUITY
59 SAVINGS ACCOUNT APPLICABLE TO THE DEFINED BENEFIT PORTION OF THE
60 RETIREMENT ALLOWANCE, WITH THE REMAINING 5% TO BE DEPOSITED INTO
61 THE EMPLOYEE'S DEFINED CONTRIBUTION ACCOUNT; TO PROVIDE THAT, FOR
62 MEMBERS IN THE NEW TIER, THE EMPLOYER'S CONTRIBUTION SHALL BE
63 APPLIED TO THE SYSTEM'S ACCRUED LIABILITY CONTRIBUTION FUND; TO
64 AMEND SECTION 25-11-305, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT
65 MEMBERSHIP IN THE SUPPLEMENTAL LEGISLATIVE RETIREMENT PLAN SHALL
66 APPLY ONLY TO THOSE STATE LEGISLATORS AND PRESIDENTS OF THE SENATE
67 WHO WERE ELECTED BEFORE MARCH 1, 2026; TO PROVIDE THAT, IF A
68 MEMBER OF THE SUPPLEMENTAL LEGISLATIVE RETIREMENT PLAN WITHDRAWS
69 FROM STATE SERVICE AND RECEIVES A REFUND BEFORE MARCH 1, 2026, AND
70 REENTERS STATE SERVICE ON OR AFTER MARCH 1, 2026, THE MEMBER SHALL
71 BE CONSIDERED TO HAVE BECOME A MEMBER OF THE PUBLIC EMPLOYEES'
72 RETIREMENT SYSTEM ON OR AFTER MARCH 1, 2026, AND NO PRIOR SERVICE
73 SHALL BE CREDITED; AND FOR RELATED PURPOSES.

