MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Representative Evans (91st)

To: Appropriations

HOUSE BILL NO. 896

AN ACT TO AMEND SECTION 25-11-305, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT ALL PERSONS WHO BECOME MEMBERS OF THE STATE LEGISLATURE FOR THE FIRST TIME ON OR AFTER JULY 1, 2021, AND THE PERSONS WHO BECOME THE PRESIDENT OF THE SENATE FOR THE FIRST TIME ON OR AFTER JULY 1, 2021, SHALL NOT BECOME MEMBERS OF THE SUPPLEMENTAL LEGISLATIVE RETIREMENT PLAN; TO PROVIDE THAT FROM AND AFTER JULY 1, 2021, THE MEMBERS OF THE STATE LEGISLATURE AND THE PRESIDENT OF THE SENATE SHALL NOT EARN ANY ADDITIONAL CREDITABLE SERVICE AS A MEMBER OF THE STATE LEGISLATURE OR AS THE PRESIDENT OF THE SENATE FOR THE PURPOSES OF THE PLAN; TO AMEND SECTION 25-11-307, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT FROM AND AFTER JULY 1, 2021, THE MEMBERS OF THE PLAN WILL NOT PAY THE EMPLOYEE'S CONTRIBUTION AND THE STATE LEGISLATURE WILL NOT PAY THE EMPLOYER'S CONTRIBUTION FOR MEMBERS OF THE PLAN; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 25-11-305, Mississippi Code of 1972, is amended as follows:

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

(a) All members of the State Legislature who are currently serving in the capacity of an elected official of the State Legislature and the person currently serving as President of the Senate shall become members of *** * *** the Supplemental

Legislative Retirement Plan on July 1, 1989, unless they file with the board within thirty (30) days after July 1, 1989, on a form prescribed by the board, a notice of election not to be covered in the membership of the Supplemental Legislative Retirement Plan and a duly executed waiver of all present and prospective benefits which would otherwise inure to them on account of their participation in the plan.

(b) All members of the State Legislature and the President of the Senate who are elected after July 1, 1989, except as provided in subsection (3) of this section.

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

(3) All persons who become members of the State Legislature for the first time on or after July 1, 2021, and the persons who become the President of the Senate for the first time on or after July 1, 2021, shall not become members of the plan. All members of the State Legislature and the President of the Senate who were members of the plan before July 1, 2021, shall remain as members

of the plan until their membership in the plan ceases as provided in subsection (5) of this section.

(4) From and after July 1, 2021, the members of the State Legislature and the President of the Senate who are members of the plan shall not earn any additional creditable service as a member of the State Legislature or as the President of the Senate for the purposes of the plan, but this shall not affect any creditable service that was earned before that date.

(* * *5) Membership in the plan shall cease by a member withdrawing his accumulated contributions, or by a member withdrawing from active service with a retirement allowance, or by death of the member.

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

SECTION 2. Section 25-11-307, Mississippi Code of 1972, is amended as follows:

25-11-307. (1) The Board of Trustees of the Public Employees' Retirement System of Mississippi shall act as custodian of the funds for members of the State Legislature and the President of the Senate, and shall receive to the credit of * * * the fund all donations, bequests, appropriations, and all funds available as an employer's contribution thereto from any source whatsoever. Through June 30, 2021, the State Legislature shall each month deduct from the compensation of each member three

percent (3%) thereof, and shall pay the amount so deducted to the board of trustees to be credited to the fund for the members. The compensation of each member shall include all remuneration or amounts paid, except mileage allowance. From the funds credited to this account, the board of trustees shall pay retirement allowances, disability benefits, survivors' benefits and expenses, and shall refund contributions as provided. The fund for the Supplemental Legislative Retirement Plan shall be maintained as a separate fund, separate from all other funds held by the board of trustees and shall be used only for the payment of benefits provided for by the plan, or amendments thereto.

(2) Through June 30, 2021, on account of each member there shall be paid monthly into the fund for members of the Supplemental Legislative Retirement Plan by the State Legislature from funds available an amount equal to a certain percentage of the compensation of each member to be known as the "normal contributions," and an additional amount equal to a percentage of his compensation to be known as the "accrued liability contribution." The percentage rate of * * * the contributions shall be fixed by the board of trustees on the basis of the liabilities of the plan for the various allowances and benefits as shown by the actuarial valuation. Until changed by the board of trustees, the contribution rate shall be six and one-third percent (6-1/3%) of the annual compensation of all members, which shall

include all remuneration or amounts paid, except mileage allowance.

(3) The board of trustees is *** * *** authorized to deduct two percent (2%) of all employer's contributions paid into the fund for members of the State Legislature and the President of the Senate to be transferred to the expense fund of the Public Employees' Retirement System of Mississippi to defray the cost of administering this fund.

SECTION 3. This act shall take effect and be in force from and after July 1, 2021.

ST: Supplemental Legislative Retirement Plan; new legislators not members and current members do not earn additional credit.