



PERS 2013 Legislative Summary

As of April 25, 2013

House Bill 369 (Regular Session 2013), effective July 1, 2013

Approved by Governor Bryant April 17, 2013

Public Employees' Retirement System of Mississippi (PERS)

- **Coverage** – Mississippi Charter Schools Act of 2013:
 - Prohibits employees in charter schools from participating in PERS; but
 - Allows employees in charter schools to participate in retirement and other benefits programs made available by their employer.

House Bill 990 (Regular Session 2013), effective July 1, 2013

Approved by Governor Bryant March 21, 2013

Administration and Operation

- **Investments** – Amends Miss. Code Ann. § 25-11-121:
 - To clarify language consistent with the current investment environment; and
 - To update the investment opportunity set to allow PERS to take advantage of additional investment options.

House Bill 1015 (Regular Session 2013), effective July 1, 2013

Approved by Governor Bryant April 25, 2013

Mississippi Highway Safety Patrol Retirement System (MHSPRS)

- **Financing** – Amends Miss. Code Ann. § 63-1-46:
 - To increase the driver's license reinstatement fee; and
 - To provide that \$25 of the increased fee shall be paid to PERS for funding MHSPRS.

House Bill 1174 (Regular Session 2013), effective July 1, 2013

Approved by Governor Bryant March 20, 2013

Public Employees' Retirement System of Mississippi (PERS), Optional Retirement Plan for Institutions of Higher Learning in the State of Mississippi, and Supplemental Legislative Retirement Plan

- **Definition of Earned Compensation** – Amends Miss. Code Ann. § 25-11-103(k):
 - To prospectively exclude the value of maintenance (employer-provided housing, utilities, meals) from earned compensation and to grandfather those who have maintenance reported to PERS as earned compensation as of June 30, 2013 (PERS Board Regulation 33; PERS Board Regulation 65);
 - To clarify that employer-paid health and life insurance premiums for an employee are not earned compensation, whether taxable or nontaxable to the employee (PERS Board Regulation 65);
 - To prospectively exclude performance-based incentive payments from earned compensation (PERS Board Regulation 65); and
 - To clarify that in-kind benefits are not reportable to PERS as earned compensation (PERS Board Regulation 65).

House Bill 1623 (Regular Session 2013), effective July 1, 2013
Approved by Governor Bryant April 18, 2013

Administration and Operation

- **PERS FY 2014 Appropriation (Budget) Bill**

Senate Bill 2395 (Regular Session 2013), effective July 1, 2013
Approved by Governor Bryant April 18, 2013

Public Employees' Retirement System of Mississippi (PERS)

- **Coverage** – Early Learning Collaborative Act of 2013 amends Miss. Code Ann. § 37-21-51:
 - To provide that a teacher, assistant teacher or other employee whose salary and fringe benefits are paid from state funds under this act shall only be classified as a state or local school district employee eligible for state health insurance benefits or membership in PERS if the person's employer is already an agency or instrumentality of the state, such as a school district, and the employee would be eligible for such benefits in the normal course of business.

Senate Bill 2405 (Regular Session 2013), effective October 1, 2013
Approved by Governor Bryant April 3, 2013

Public Employees' Retirement System of Mississippi (PERS)

- **Employer Contributions for Constables** – Amends Miss. Code Ann. §§ 25-11-106, 25-11-123, and 25-11-125:
 - To clarify that the county is responsible for the employer contributions to PERS on all direct payments to the constable from the county and the constable is responsible for the employee contributions to PERS on direct payments to the constable from the county and both the employer and employee share of contributions on his or her net fee income;
 - To authorize the county board of supervisors to elect to be responsible for the employer share of contributions to PERS on the net fee income of its constables for contributions required for calendar years beginning on or after January 1, 2014;
 - To provide that if the county board of supervisors elects to be responsible for the employer share of contributions to PERS on the net fee income of its constables, the election shall be irrevocable until the board of supervisors takes office for the next succeeding term of office, at which time the board may elect whether to continue such election;
 - To provide that notice of such election by the board of supervisors shall be filed with the executive director of PERS within five days after the election is made; and
 - To provide that, if the county elects to be responsible for contributions on the net fee income of each of its constables, the board of supervisors of the county shall appropriate a sufficient sum to pay to PERS the required employer contributions, which shall be included by the clerk of the board in his or her regular reports and remittals to PERS for other county officers and employees.

Summary of House Bill 1174 (2013)

Definition of Earned Compensation

Amends Miss. Code Ann. § 25-11-103(k) to:

- prospectively exclude the value of maintenance from earned compensation effective July 1, 2013;
- grandfather those who have maintenance reported to PERS as earned compensation as of June 30, 2013;
- prospectively exclude performance-based incentive payments from earned compensation effective July 1, 2013; and
- clarify that in-kind benefits are not reportable to PERS as earned compensation.