

By: Representative Walker

To: Appropriations

HOUSE BILL NO. 941

1 AN ACT TO AMEND SECTION 25-11-127, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT ANY MEMBER OF THE PUBLIC EMPLOYEES' RETIREMENT
3 SYSTEM WHO IS ELIGIBLE TO RECEIVE A RETIREMENT ALLOWANCE MAY
4 CONTINUE IN STATE OFFICE OR EMPLOYMENT, OR BE REEMPLOYED IN A
5 STATE OFFICE OR POSITION, OR BE ELECTED TO A STATE OFFICE, AND
6 RECEIVE THE RETIREMENT ALLOWANCE IN LIEU OF THE SALARY OR
7 COMPENSATION FOR THE OFFICE OR POSITION; TO PROVIDE THAT ANY SUCH
8 MEMBER MUST FILE AN ANNUAL WAIVER OF THE SALARY OR COMPENSATION IN
9 ORDER TO RECEIVE THE RETIREMENT ALLOWANCE; AND FOR RELATED
10 PURPOSES.

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

12 SECTION 1. Section 25-11-127, Mississippi Code of 1972, is
13 amended as follows:

14 25-11-127. No person who is being paid a retirement
15 allowance, or a pension after retirement under this article shall
16 be employed or paid for any service by the State of Mississippi,
17 except as provided in this section. This section shall not apply
18 to any pensioner who has been elected to public office after
19 retirement, nor to any person employed because of special
20 knowledge or experience. This section shall not be construed to
21 mean that any person employed or elected under the above
22 exceptions shall become a member under Article 3 of the retirement
23 system, nor shall any retirant of this retirement system who is
24 reemployed or is reelected to office, after retirement continue to
25 draw retirement benefits while so reemployed, except those persons
26 who choose to receive retirement benefits in lieu of salary or
27 compensation as provided in this section. Any person who has been
28 retired under the provisions of Articles 1 and 3 and who is later
29 reemployed in service covered by this article except those persons
30 who choose to receive retirement benefits in lieu of salary or

31 compensation as provided in this section, shall cease to receive
32 benefits hereunder and shall again become a contributing member of
33 the retirement system; and upon again retiring, if his
34 reemployment exceeds six (6) months, shall have his benefit
35 recomputed, including service after again becoming a member.
36 Provided, further, that the total retirement allowance paid to the
37 retired member in his previous retirement shall be deducted from
38 his retirement reserve and taken into consideration in
39 recalculating the retirement allowance under a new option
40 selected. Nothing contained in this section shall be construed as
41 prohibiting any county or city not a member of the Public
42 Employees' Retirement System from employing persons up to the age
43 of seventy-three (73); and provided further that, through June 30,
44 1988, nothing contained in this section shall be construed as
45 prohibiting any governmental unit which is a member from employing
46 persons up to the age of seventy-three (73) who are not eligible
47 for membership at the time of employment under Article 3.

48 The board of trustees of the retirement system shall have the
49 right to prescribe rules and regulations for the carrying out of
50 this provision.

51 The provisions of this section shall not be construed to
52 prohibit any retirant regardless of age from being employed and
53 from drawing retirement allowance either (a) for a period of time
54 not to exceed one hundred twenty (120) days in any fiscal year,
55 but less than one-half (1/2) of the normal working days for the
56 position in any fiscal year, or (b) for a period of time in any
57 fiscal year sufficient in length to permit a retirant to earn not
58 in excess of twenty-five percent (25%) of retirant's average
59 compensation or the current rate of the salary in effect for the
60 regular position filled. Notice shall be given in writing to the
61 executive director of the system, setting forth the facts upon
62 which the * * * employment is being made, and such notice shall be
63 given within five (5) days from the date of employment and also
64 from the date of termination of the employment. * * *

65 Any * * * member who is eligible to receive a retirement
66 allowance under this article may continue in state, municipal or
67 county office or employment, or be reemployed in a state,

68 municipal or county position, or be elected to a state, municipal
69 or county office, provided that such person files annually, in
70 writing, in the office of the employer and the office of the
71 executive director of the system prior to such services, a waiver
72 of all salary or compensation and elects to receive in lieu of
73 such salary or compensation a retirement allowance as provided in
74 this section, in which event no salary or compensation shall
75 thereafter be due or payable for such services, and * * * any such
76 officer or employee may receive, in addition to such retirement
77 allowance, any per diem, office expense allowance, mileage or
78 travel expense authorized by any statute of the State of
79 Mississippi.

80 SECTION 2. This act shall take effect and be in force from
81 and after July 1, 1999.