

By: Representatives Walker, Henderson (9th), To: Appropriations
Perry, Scott (17th), Thornton, Young

HOUSE BILL NO. 1025

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 HAS 40 OR MORE YEARS OF CREDITABLE SERVICE REGARDLESS
4 OF AGE MAY CONTINUE IN STATE OFFICE OR EMPLOYMENT, OR BE
5 REEMPLOYED IN A STATE OFFICE OR POSITION, OR BE ELECTED TO A STATE
6 OFFICE, AND RECEIVE THE RETIREMENT ALLOWANCE IN LIEU OF THE SALARY
7 OR COMPENSATION FOR THE OFFICE OR POSITION; AND FOR RELATED
8 PURPOSES.

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

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

12 25-11-127. No person who is being paid a retirement
13 allowance, or a pension after retirement under this article shall
14 be employed or paid for any service by the State of Mississippi,
15 except as provided in this section. This section shall not apply
16 to any pensioner who has been elected to public office after
17 retirement, nor to any person employed because of special
18 knowledge or experience. This section shall not be construed to
19 mean that any person employed or elected under the above
20 exceptions shall become a member under Article 3 of the retirement
21 system, nor shall any retirant of this retirement system who is
22 reemployed or is reelected to office, after retirement continue to
23 draw retirement benefits while so reemployed, except those persons
24 who choose to receive retirement benefits in lieu of salary or
25 compensation as provided in this section. Any person who has been
26 retired under the provisions of Articles 1 and 3 and who is later
27 reemployed in service covered by this article, except those
28 persons who choose to receive retirement benefits in lieu of
29 salary or compensation as provided in this section, shall cease to

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

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

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

63 Any member * * * who has forty (40) or more years of
64 creditable service may continue in office or employment or be
65 reemployed or elected, provided that such person files annually,
66 in writing, in the office of the employer and the office of the

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

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