

By: Senator(s) Carter, Jordan (24th)

To: Finance

## SENATE BILL NO. 2270

1 AN ACT TO AMEND SECTION 25-11-127, MISSISSIPPI CODE OF 1972,  
2 TO AUTHORIZE RETIREES WHO HAD AT LEAST 30 YEARS OF CREDITABLE  
3 SERVICE AT THE TIME OF THEIR RETIREMENT TO BE EMPLOYED IN STATE  
4 SERVICE AND DRAW A RETIREMENT ALLOWANCE FOR A PERIOD OF TIME NOT  
5 TO EXCEED 185 DAYS IN ANY FISCAL YEAR; TO PROVIDE THAT ANY PERSON  
6 EMPLOYED PURSUANT TO THIS PROVISION SHALL NOT BE AN ACTIVE MEMBER  
7 OF THE RETIREMENT SYSTEM AND SHALL NOT RECEIVE ANY CREDITABLE  
8 SERVICE FOR THE PERIOD DURING WHICH HE IS EMPLOYED PURSUANT TO  
9 THIS PROVISION; TO PROVIDE THAT THE EMPLOYER OF A PERSON EMPLOYED  
10 PURSUANT TO SUCH PROVISION SHALL DEDUCT EMPLOYEE CONTRIBUTIONS AND  
11 MAKE EMPLOYER CONTRIBUTIONS ON BEHALF OF SUCH PERSON; TO PROVIDE  
12 THAT THE RETIREMENT ALLOWANCE OF SUCH PERSON SHALL NOT BE ENHANCED  
13 OR DIMINISHED AS A RESULT OF SUCH EMPLOYMENT; TO AMEND SECTION  
14 27-11-117, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT A MEMBER  
15 EMPLOYED UNDER THE ABOVE PROVISION MAY NOT RECEIVE A REFUND OF THE  
16 AMOUNT OF EMPLOYEE CONTRIBUTIONS, OR INTEREST EARNED ON THOSE  
17 CONTRIBUTIONS THAT WERE MADE DURING ANY PERIOD WHEN HE WAS SO  
18 EMPLOYED; AND FOR RELATED PURPOSES. BE IT ENACTED BY THE  
19 LEGISLATURE OF THE STATE OF MISSISSIPPI:  
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21 SECTION 1. Section 25-11-127, Mississippi Code of 1972, is  
22 amended as follows:

23 25-11-127. (1) No person who is being paid a retirement  
24 allowance, or a pension after retirement under this article shall  
25 be employed or paid for any service by the State of Mississippi,  
26 except as provided in this section. This section shall not apply  
27 to any pensioner who has been elected to public office after  
28 retirement, nor to any person employed because of special  
29 knowledge or experience. This section shall not be construed to  
30 mean that any person employed or elected under the above  
31 exceptions shall become a member under Article 3 of the retirement  
32 system, nor shall any retirant of this retirement system who is  
33 reemployed or is reelected to office, after retirement continue to  
34 draw retirement benefits while so reemployed. Any person who has  
35 been retired under the provisions of Articles 1 and 3 and who is

36 later reemployed in service covered by this article shall cease to  
37 receive benefits hereunder and shall again become a contributing  
38 member of the retirement system; and upon again retiring, if his  
39 reemployment exceeds six (6) months, shall have his benefit  
40 recomputed, including service after again becoming a member.  
41 Provided, further, that the total retirement allowance paid to the  
42 retired member in his previous retirement shall be deducted from  
43 his retirement reserve and taken into consideration in  
44 recalculating the retirement allowance under a new option  
45 selected. Nothing contained in this section shall be construed as  
46 prohibiting any county or city not a member of the Public  
47 Employees' Retirement System from employing persons up to the age  
48 of seventy-three (73); and provided further that, through June 30,  
49 1988, nothing contained in this section shall be construed as  
50 prohibiting any governmental unit which is a member from employing  
51 persons up to the age of seventy-three (73) who are not eligible  
52 for membership at the time of employment under Article 3.

53 The board of trustees of the retirement system shall have the  
54 right to prescribe rules and regulations for the carrying out of  
55 this provision.

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

70 (3) The provisions of this section shall not be construed to  
71 prohibit any retirant, regardless of age, who had at least thirty  
72 (30) years of creditable service at the time of his retirement

73 from being employed and from drawing a retirement allowance for a  
74 period of time not to exceed one hundred eighty-five (185) days in  
75 any fiscal year. Such employment may begin at any time following  
76 the date of retirement. Notice shall be given in writing to the  
77 executive director of the system, setting forth the facts upon  
78 which the emergency employment is being made, and such notice  
79 shall be given within five (5) days from the date of employment  
80 and also from the date of termination of said employment. Any  
81 person employed pursuant to this subsection shall not be an active  
82 member of the retirement system and shall not receive any  
83 creditable service for the period during which he is employed.  
84 The employer shall deduct employee contributions for any person  
85 employed pursuant to this subsection and shall make employer  
86 contributions on behalf of the person in the same manner as  
87 provided in Section 25-1-123 for active members for the period  
88 during which such person is employed, and the employer shall pay  
89 the contributions to the retirement system. The retirement  
90 allowance of any person employed pursuant to this subsection shall  
91 not be enhanced or diminished as a result of such employment.

92       (4) \* \* \* Any member who has attained seventy (70) years of  
93 age and who has forty (40) or more years of creditable service may  
94 continue in office or employment or be reemployed or elected  
95 provided such person files annually, in writing, in the office of  
96 the employer and the office of the executive director of the  
97 system prior to such services, a waiver of all salary or  
98 compensation and elects to receive in lieu of such salary or  
99 compensation a retirement allowance as provided in this section,  
100 in which event no salary or compensation shall thereafter be due  
101 or payable for such services and provided, further, that any such  
102 officer or employee may receive in addition to such retirement  
103 allowance any per diem, office expense allowance, mileage or  
104 travel expense authorized by any statute of the State of  
105 Mississippi.

106       (5) Any \* \* \* member may continue in municipal or county  
107 office or employment or be reemployed or elected in a municipality  
108 or county provided such person files annually, in writing, in the  
109 office of the employer and the office of the executive director of  
110 the system prior to such services, a waiver of all salary or  
111 compensation and elects to receive in lieu of such salary or  
112 compensation a retirement allowance as provided in this section,  
113 in which event no salary or compensation shall thereafter be due  
114 or payable for such services and provided, further, that any such  
115 officer or employee may receive in addition to such retirement  
116 allowance any per diem, office expense allowance, mileage or  
117 travel expense authorized by any statute of the State of  
118 Mississippi.

119       SECTION 2. Section 25-11-117, Mississippi Code of 1972, is  
120 amended as follows:

121       25-11-117. (1) A member may be paid a refund of the amount  
122 of accumulated contributions to the credit of the member in the  
123 annuity savings account provided the member has withdrawn from  
124 state service and further provided the member has not returned to  
125 state service on the date the refund of the accumulated  
126 contributions would be paid. However, a member may not receive a  
127 refund of the amount of employee contributions, or interest earned  
128 on those contributions, that were made during any period when he  
129 was employed under the provisions of Section 25-11-127(3). Such  
130 refund of the contributions to the credit of the member in the  
131 annuity savings account shall be paid within ninety (90) days from  
132 receipt in the office of the retirement system of the properly  
133 completed form requesting such payment. In the event of death  
134 prior to retirement of any member whose spouse and/or children are  
135 not entitled to a retirement allowance, the accumulated  
136 contributions to the credit of the deceased member in the annuity  
137 savings account shall be paid to the designated beneficiary on  
138 file in writing in the office of executive director of the board

139 of trustees within ninety (90) days from receipt of a properly  
140 completed form requesting such payment. If there is no such  
141 designated beneficiary on file for such deceased member in the  
142 office of the system, upon the filing of a proper request with the  
143 board, the contributions to the credit of the deceased member in  
144 the annuity savings account shall be refunded to the estate of the  
145 deceased member. The payment of the said refund shall discharge  
146 all obligations of the retirement system to the said member on  
147 account of any creditable service rendered by the member prior to  
148 the receipt of the refund. By the acceptance of the refund, the  
149 member shall waive and relinquish all accrued rights in the  
150 system.

151 (2) Pursuant to the Unemployment Compensation Amendments of  
152 1992 (P.L. 102-318 (UCA)), a member or eligible beneficiary  
153 eligible for a refund under this section may elect on a form  
154 prescribed by the board under rules and regulations established by  
155 the board, to have an eligible rollover distribution of  
156 accumulated contributions payable under this section paid directly  
157 to an eligible retirement plan or individual retirement account.  
158 If the member or eligible beneficiary makes such election and  
159 specifies the eligible retirement plan or individual retirement  
160 account to which such distribution is to be paid, the distribution  
161 will be made in the form of a direct trustee-to-trustee transfer  
162 to the specified eligible retirement plan. Flexible rollovers  
163 under this subsection shall not be considered assignments under  
164 Section 25-11-129.

165 (3) If any person who has received a refund reenters the  
166 state service and again becomes a member of the system and remains  
167 a contributor for two (2) years, the member may repay all or part  
168 of the amounts previously received as a refund, together with  
169 regular interest covering the period from the date of refund to  
170 the date of repayment; provided, however, that the amounts that  
171 are repaid by the member and the creditable service related

172 thereto shall not be used in any benefit calculation or  
173 determination until the member has remained a contributor to the  
174 system for a period of at least four (4) years subsequent to such  
175 member's reentry into state service. Repayment for such time  
176 shall be made in increments of not less than one-quarter (1/4)  
177 year of creditable service beginning with the most recent service  
178 for which refund has been made. Upon the repayment of all or part  
179 of such refund and interest, the member shall again receive credit  
180 for the period of creditable service for which full repayment has  
181 been made to the system.

182 SECTION 3. This act shall take effect and be in force from  
183 and after July 1, 1999.