

By: Senator(s) Johnson (38th)

To: Finance

SENATE BILL NO. 2867

1 AN ACT TO AUTHORIZE CERTAIN MEMBERS OF THE PUBLIC EMPLOYEE'S
2 RETIREMENT SYSTEM TO PARTICIPATE IN A DEFERRED OPTION PLAN IN LIEU
3 OF TERMINATING REEMPLOYMENT AND ACCEPTING A RETIREMENT ALLOWANCE;
4 TO PROVIDE THAT AN ELECTION TO PARTICIPATE IN THE PLAN MAY BE MADE
5 ONLY ONCE FOR A SPECIFIED PERIOD NOT TO EXCEED THREE YEARS; TO
6 PROVIDE THAT A MEMBER PARTICIPATING IN THE PLAN MAY NOT TERMINATE
7 PARTICIPATION PRIOR TO THE END OF THE SELECTED DURATION WITHOUT
8 TERMINATING EMPLOYMENT; TO PROVIDE THAT DURING PARTICIPATION IN
9 THE DEFERRED OPTION PLAN THE PARTICIPANT SHALL REMAIN A MEMBER OF
10 THE SYSTEM BUT EMPLOYER AND EMPLOYEE CONTRIBUTIONS SHALL NOT BE
11 PAYABLE; TO PROVIDE THAT THE RETIREMENT BENEFITS WHICH OTHERWISE
12 WOULD HAVE BEEN DUE THE PARTICIPANT SHALL, DURING THE PERIOD OF
13 PARTICIPATION IN THE PLAN, BE CREDITED TO THE DEFERRED RETIREMENT
14 OPTION PLAN ACCOUNT; TO REQUIRE THE PUBLIC EMPLOYEES' RETIREMENT
15 SYSTEM TO ESTABLISH A DEFERRED RETIREMENT OPTION PLAN ACCOUNT AND
16 TO MAINTAIN SUBACCOUNTS WITHIN THIS ACCOUNT REFLECTING THE CREDITS
17 ATTRIBUTED TO EACH PARTICIPANT IN THE PLAN; TO PROVIDE THAT UPON
18 TERMINATION OR PARTICIPATION IN THE PLAN AND EMPLOYMENT, A
19 PARTICIPANT SHALL RECEIVE A LUMP SUM PAYMENT FROM THE ACCOUNT OR
20 SYSTEMATIC DISBURSEMENTS FROM HIS INDIVIDUAL SUBACCOUNT IN ANY
21 MANNER APPROVED BY THE BOARD OF TRUSTEES OF THE PUBLIC EMPLOYEES'
22 RETIREMENT SYSTEM, AND BEGIN TO RECEIVE MONTHLY RETIREMENT
23 BENEFITS BASED ON THE OPTION SELECTED AT THE TIME OF PARTICIPATION
24 IN THE PLAN; TO PROVIDE THAT THE ELECTION TO PARTICIPATE IN THE
25 PLAN IS IRREVOCABLE ONCE MADE; TO AMEND SECTIONS 25-11-109,
26 25-11-117 AND 25-11-127, MISSISSIPPI CODE OF 1972, IN CONFORMITY
27 THERETO; AND FOR RELATED PURPOSES.

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

29 SECTION 1. (1) In lieu of terminating employment and
30 accepting a retirement allowance, any member of the Public
31 Employees' Retirement System who has thirty (30) years of
32 creditable service at any age, twenty-five (25) years of
33 creditable service and is at least age fifty-five (55) or has
34 twenty (20) years of creditable service exclusive of military
35 service and is at least age sixty-five (65), may elect to
36 participate in the Deferred Retirement Option Plan.

37 (2) An election to participate in the plan may be made only
38 once, for a specified period not to exceed three (3) years. The
39 three-year period begins within sixty (60) calendar days after the

40 first time the member reaches one (1) of the eligibility
41 requirements of subsection (1) of this section. The participation
42 period must end not more than three (3) years and sixty (60)
43 calendar days from the date the member first becomes eligible
44 under any of the eligibility requirements of subsection (1) of
45 this section, and in no case may the actual participation in the
46 plan exceed three (3) years. Once specified, the period of
47 participation may not be extended. A member participating in the
48 plan may not terminate participation prior to the end of the
49 selected duration without terminating employment. A member who
50 chooses to participate in the plan shall elect a retirement plan
51 option at the beginning of the participation period and such
52 election shall be irrevocable once the participation period
53 begins.

54 (3) For purposes of this plan, sick and annual leave may not
55 be converted for purposes of establishing eligibility.

56 SECTION 2. (1) (a) During participation in the Deferred
57 Retirement Option Plan, although the member shall remain a member
58 of this retirement system, neither regular member nor employer
59 contributions to the regular plan shall be payable.

60 (b) Any member who is a participant of the Deferred
61 Retirement Option Plan shall not be subject to any change in his
62 seniority status or other related benefits to which he is entitled
63 as a condition of employment.

64 (2) For purposes of this ct, average compensation and
65 creditable service shall remain fixed as they existed on the date
66 of commencement of participation in the plan. Creditable service
67 shall not include conversion of sick and annual leave.

68 (3) Retirement benefits based on average compensation and
69 creditable service as established under subsection (2) of this
70 section and which otherwise would have been due the participant
71 shall, during the period of participation in the plan, be credited
72 to the Deferred Retirement Option Plan Account.

73 (4) Individuals who participate in the Deferred Retirement
74 Option Plan shall not receive the benefit of any cost-of-living
75 adjustments granted during participation while employed and for a
76 period of one (1) year following termination of employment.

77 SECTION 3. (1) The system shall establish a Deferred

78 Retirement Option Plan Account which shall be a part of the system
79 fund. This account shall not be subject to any fees, costs or
80 expenses of any kind.

81 (2) The system shall maintain subaccounts within this
82 account reflecting the credits attributed to each participant in
83 the plan, but the monies in the account shall remain a part of the
84 fund until disbursed to a participant in accordance with the plan
85 provisions.

86 (3) Interest shall not be credited to a participant's
87 subaccount during the period of participation. All amounts which
88 remain credited to the individual's subaccount after termination
89 of participation in the plan shall be credited with interest after
90 the end of each fiscal year at a rate equal to the realized return
91 on the system's portfolio for that fiscal year as certified by the
92 system actuary in his actuarial report, less one-half of one
93 percent (1/2-1%).

94 SECTION 4. (1) Upon termination of participation in both
95 the plan and employment, a participant shall:

96 (a) At the participant's option, receive either a lump
97 sum payment from the account equal to the amount then credited to
98 his individual subaccount or systematic disbursements based on his
99 individual subaccount in any manner approved by the Board of
100 Trustees of the Public Employees' Retirement System.

101 (b) Begin to receive monthly retirement benefits based
102 on the option selected at the time of election to participate in
103 the plan, as adjusted pursuant to subsection (4) of this section.

104 (2) Upon termination of participation in the plan but not
105 employment, credits to the account shall cease, and no retirement
106 benefits shall be paid to the participant until employment is
107 terminated. No payment shall be made based on credits in the
108 account until employment is terminated. Employer and employee
109 contributions shall resume.

110 (3) If a participant dies while still employed, his credits
111 and benefits, if any, shall be payable in accordance with Section

112 25-11-117.

113 (4) Monthly retirement benefits payable to a participant
114 after termination of participation in the plan and employment
115 shall be calculated as follows:

116 (a) There shall be a "base benefit" which shall equal
117 the participant's monthly credit to the account plus conversion of
118 sick and annual leave, if any, based on the average compensation
119 rate used to calculate the monthly credit.

120 (b) If the participant does not continue employment
121 after termination of participation in the plan, his monthly
122 retirement benefit shall equal his base benefit.

123 (c) If the participant continues employment after
124 termination of participation in the plan for a period of less than
125 thirty-six (36) months, his monthly retirement benefit shall equal
126 his base benefit plus an amount based upon the service credit for
127 the additional employment, together with conversion of the net
128 amount of sick and annual leave accumulated during that period of
129 employment, based upon the average compensation used to calculate
130 the monthly credit.

131 (d) If the participant continues employment after
132 termination of participation in the plan for a period of
133 thirty-six (36) months or more, his monthly retirement benefit
134 shall equal his base benefit plus an amount based upon the service
135 credit for the additional employment, together with conversion of
136 the net amount of sick and annual leave accumulated during that
137 period of employment, based upon the average compensation for the
138 period of employment after termination of participation in the
139 plan.

140 SECTION 5. Once participation in the plan commences, the
141 election to participate is irrevocable and the term of
142 participation may not be extended. Only one (1) period of
143 participation is permitted. Average compensation and election of
144 option, if any, are fixed upon commencement of participation.

145 SECTION 6. (1) Any member who retires from the Public

146 Employees' Retirement System of Mississippi and terminates
147 employment, who participated in the Deferred Retirement Option
148 Plan and becomes employed or reemployed by any employer, shall
149 have his total benefit suspended for the duration of such
150 employment.

151 (2) During the period of his return to active service, the
152 retiree and his employer shall make contributions to the
153 retirement system, but the retiree shall receive no additional
154 service credit or accrue any additional retirement benefits in the
155 retirement system. Upon termination of such active service the
156 member shall, upon application, be refunded the employee
157 contributions paid since reemployment. The refund shall be
158 without interest. The retirement system shall retain the employer
159 contributions.

160 SECTION 7. Section 25-11-109, Mississippi Code of 1972, is
161 amended as follows:

162 25-11-109. (1) Under such rules and regulations as the
163 board of trustees shall adopt, each person who becomes a member of
164 this retirement system, as provided in Section 25-11-105, on or
165 prior to July 1, 1953, or who becomes a member and contributes to
166 the system for a minimum period of four (4) years, shall receive
167 credit for all state service rendered before February 1, 1953. To
168 receive such credit, such member shall file a detailed statement
169 of all services as an employee rendered by him in the state
170 service before February 1, 1953. For any member who joined the
171 system after July 1, 1953, any creditable service for which the
172 member is not required to make contributions shall not be credited
173 to the member until the member has contributed to the system for a
174 minimum period of at least four (4) years.

175 (2) In the computation of membership service or prior
176 service under the provisions of this article, the total months of
177 accumulative service during any fiscal year shall be calculated in
178 accordance with the schedule as follows: ten (10) or more months
179 of creditable service during any fiscal year shall constitute a

180 year of creditable service; seven (7) months to nine (9) months
181 inclusive, three-quarters (3/4) of a year of creditable service;
182 four (4) months to six (6) months inclusive, one-half (1/2) year
183 of creditable service; one (1) month to three (3) months
184 inclusive, one-quarter (1/4) of a year of creditable service. In
185 no case shall credit be allowed for any period of absence without
186 compensation except for disability while in receipt of a
187 disability retirement allowance, nor shall less than fifteen (15)
188 days of service in any month, or service less than the equivalent
189 of one-half (1/2) of the normal working load for the position and
190 less than one-half (1/2) of the normal compensation for the
191 position in any month, constitute a month of creditable service,
192 nor shall more than one (1) year of service be creditable for all
193 services rendered in any one (1) fiscal year; provided that for a
194 school employee, substantial completion of the legal school term
195 when and where the service was rendered shall constitute a year of
196 service credit for both prior service and membership service. Any
197 state or local elected official shall be deemed a full-time
198 employee for the purpose of creditable service for prior service
199 or membership service. However, an appointed or elected official
200 compensated on a per diem basis only shall not be allowed
201 creditable service for terms of office.

202 In the computation of any retirement allowance or any annuity
203 or benefits provided in this article, any fractional period of
204 service of less than one (1) year shall be taken into account and
205 a proportionate amount of such retirement allowance, annuity or
206 benefit shall be granted for any such fractional period of
207 service.

208 In the computation of unused leave for creditable service
209 authorized in Section 25-11-103, the following shall govern:
210 twenty-one (21) days of unused leave shall constitute one (1)
211 month of creditable service and in no case shall credit be allowed
212 for any period of unused leave of less than fifteen (15) days.

213 The number of months of unused leave shall determine the number of

214 quarters or years of creditable service in accordance with the
215 above schedule for membership and prior service. In order for the
216 member to receive creditable service for the number of days of
217 unused leave, the system must receive certification from the
218 governing authority.

219 For the purpose of this subsection, for members of the system
220 who are elected officers and who retire on or after July 1, 1987,
221 the following shall govern:

222 (a) For service prior to July 1, 1984, the members
223 shall receive credit for leave (combined personal and major
224 medical) for service as an elected official prior to that date at
225 the rate of thirty (30) days per year.

226 (b) For service on and after July 1, 1984, the member
227 shall receive credit for personal and major medical leave
228 beginning July 1, 1984, at the rates authorized in Sections
229 25-3-93 and 25-3-95, computed as a full-time employee.

230 (3) Subject to the above restrictions and to such other
231 rules and regulations as the board may adopt, the board shall
232 verify, as soon as practicable after the filing of such statements
233 of service, the services therein claimed.

234 (4) Upon verification of the statement of prior service, the
235 board shall issue a prior service certificate certifying to each
236 member the length of prior service for which credit shall have
237 been allowed on the basis of his statement of service. So long as
238 membership continues, a prior service certificate shall be final
239 and conclusive for retirement purposes as to such service,
240 provided that any member may within five (5) years from the date
241 of issuance or modification of such certificate request the board
242 of trustees to modify or correct his prior service certificate.
243 Any modification or correction authorized shall only apply
244 prospectively.

245 When membership ceases, such prior service certificates shall
246 become void. Should the employee again become a member, he shall
247 enter the system as an employee not entitled to prior service

248 credit except as provided in Sections 25-11-105(I), 25-11-113 and
249 25-11-117.

250 (5) Creditable service at retirement, on which the
251 retirement allowance of a member shall be based, shall consist of
252 the membership service rendered by him since he last became a
253 member, and also, if he has a prior service certificate which is
254 in full force and effect, the amount of the service certified on
255 his prior service certificate. Creditable service shall not
256 consist of any service rendered while participating in the
257 Deferred Retirement Option Plan.

258 (6) Anything in this article to the contrary
259 notwithstanding, any member who served on active duty in the Armed
260 Forces of the United States, or who served in maritime service
261 during periods of hostility in World War II, shall be entitled to
262 creditable service for his service on active duty in the armed
263 forces or in such maritime service, provided he entered state
264 service after his discharge from the armed forces or entered state
265 service after he completed such maritime service. The maximum
266 period for such creditable service for all military service shall
267 not exceed four (4) years unless positive proof can be furnished
268 by such person that he was retained in the armed forces during
269 World War II or in maritime service during World War II by causes
270 beyond his control and without opportunity of discharge. The
271 member shall furnish proof satisfactory to the board of trustees
272 of certification of military service or maritime service records
273 showing dates of entrance into active duty service and the date of
274 discharge. From and after July 1, 1993, no creditable service
275 shall be granted for any military service or maritime service to a
276 member who qualifies for a retirement allowance in another public
277 retirement system administered by the Board of Trustees of the
278 Public Employees' Retirement System based in whole or in part on
279 such military or maritime service. In no case shall the member
280 receive creditable service if the member received a dishonorable
281 discharge from the Armed Forces of the United States.

282 (7) Any actively contributing member of the Public
283 Employees' Retirement System who has at least four (4) years of
284 membership service credit shall be entitled to receive a maximum
285 of five (5) years creditable service for service rendered in
286 another state as a public employee of such other state, or a
287 political subdivision, public education system or other
288 governmental instrumentality thereof, or service rendered as a
289 teacher in American overseas dependent schools conducted by the
290 Armed Forces of the United States for children of citizens of the
291 United States residing in areas outside the continental United
292 States, provided that:

293 (a) The member shall furnish proof satisfactory to the
294 board of trustees of certification of such services from the
295 state, public education system, political subdivision or
296 retirement system of the state where the services were performed
297 or the governing entity of the American overseas dependent school
298 where the services were performed; and

299 (b) The member is not receiving or will not be entitled
300 to receive from the public retirement system of the other state or
301 from any other retirement plan, including optional retirement
302 plans, sponsored by the employer, a retirement allowance including
303 such services; and

304 (c) The member shall pay to the retirement system on
305 the date he or she is eligible for credit for such out-of-state
306 service or at any time thereafter prior to date of retirement the
307 actuarial cost as determined by the actuary for each year of
308 out-of-state creditable service. The member may begin to purchase
309 such service credit at such time as the total eligible additional
310 credit, when added to the member's creditable service, will
311 entitle the member to receive a retirement allowance within five
312 (5) years. The provisions of this subsection are subject to the
313 limitations of Section 415 of the Internal Revenue Code and
314 regulations promulgated thereunder.

315 (8) Any actively contributing member of the Public

316 Employees' Retirement System who has at least four (4) years of
317 membership service credit and who receives, or has received,
318 professional leave without compensation for professional purposes
319 directly related to the employment in state service shall receive
320 creditable service for the period of professional leave without
321 compensation provided:

322 (a) The professional leave is performed with a public
323 institution or public agency of this state, or another state or
324 federal agency;

325 (b) The employer approves the professional leave
326 showing the reason for granting the leave and makes a
327 determination that the professional leave will benefit the
328 employee and employer;

329 (c) Such professional leave shall not exceed two (2)
330 years during any ten-year period of state service;

331 (d) The employee shall serve the employer on a
332 full-time basis for a period of time equivalent to the
333 professional leave period granted immediately following the
334 termination of said leave period;

335 (e) The actively contributing member shall pay to the
336 retirement system the actuarial cost as determined by the actuary
337 for each year of professional leave. The member may begin to
338 purchase such service credit at such time as the total eligible
339 additional credit, when added to the member's creditable service,
340 will entitle the member to receive a retirement allowance within
341 five (5) years. The provisions of this subsection are subject to
342 the regulations of the Internal Revenue Code limitations;

343 (f) Such other rules and regulations consistent
344 herewith as the board may adopt and in case of question, the board
345 shall have final power to decide the questions.

346 Any actively contributing member participating in the School
347 Administrator Sabbatical Program established in Section 37-9-77
348 shall qualify for continued participation under this subsection
349 (8).

350 (9) Any member of the Public Employees' Retirement System
351 who has at least four (4) years of credited membership service
352 shall be entitled to receive a maximum of ten (10) years
353 creditable service for:

354 (a) Any service rendered as an employee of any
355 political subdivision of this state, or any instrumentality
356 thereof, which does not participate in the Public Employees'
357 Retirement System; or

358 (b) Any service rendered as an employee of any
359 political subdivision of this state, or any instrumentality
360 thereof, which participates in the Public Employees' Retirement
361 System but did not elect retroactive coverage; or

362 (c) Any service rendered as an employee of any
363 political subdivision of this state, or any instrumentality
364 thereof, for which coverage of the employee's position was or is
365 excluded; provided that the member pays into the retirement system
366 the actuarial cost as determined by the actuary for each year, or
367 portion thereof, of such service. Payment for such service may be
368 made in increments of one-quarter (1/4) year of creditable
369 service. After a member has made full payment to the retirement
370 system for all or any part of such service, the member shall
371 receive creditable service for the period of such service for
372 which full payment has been made to the retirement system.

373 SECTION 8. Section 25-11-117, Mississippi Code of 1972, is
374 amended as follows:

375 25-11-117. (1) A member may be paid a refund of the amount
376 of accumulated contributions to the credit of the member in the
377 annuity savings account provided the member has withdrawn from
378 state service and further provided the member has not returned to
379 state service on the date the refund of the accumulated
380 contributions would be paid. Such refund of the contributions to
381 the credit of the member in the annuity savings account shall be
382 paid within ninety (90) days from receipt in the office of the
383 retirement system of the properly completed form requesting such

384 payment. In the event of death prior to retirement of any member
385 whose spouse and/or children are not entitled to a retirement
386 allowance, the accumulated contributions to the credit of the
387 deceased member in the annuity savings account or the Deferred
388 Retirement Option Plan Account shall be paid to the designated
389 beneficiary on file in writing in the office of executive director
390 of the board of trustees within ninety (90) days from receipt of a
391 properly completed form requesting such payment. If there is no
392 such designated beneficiary on file for such deceased member in
393 the office of the system, upon the filing of a proper request with
394 the board, the contributions to the credit of the deceased member
395 in the annuity savings account or the Deferred Retirement Option
396 Plan Account shall be refunded to the estate of the deceased
397 member. The payment of the said refund shall discharge all
398 obligations of the retirement system to the said member on account
399 of any creditable service rendered by the member prior to the
400 receipt of the refund. By the acceptance of the refund, the
401 member shall waive and relinquish all accrued rights in the
402 system.

403 (2) Pursuant to the Unemployment Compensation Amendments of
404 1992 (P.L. 102-318 (UCA)), a member or eligible beneficiary
405 eligible for a refund under this section may elect on a form
406 prescribed by the board under rules and regulations established by
407 the board, to have an eligible rollover distribution of
408 accumulated contributions payable under this section paid directly
409 to an eligible retirement plan or individual retirement account.
410 If the member or eligible beneficiary makes such election and
411 specifies the eligible retirement plan or individual retirement
412 account to which such distribution is to be paid, the distribution
413 will be made in the form of a direct trustee-to-trustee transfer
414 to the specified eligible retirement plan. Flexible rollovers
415 under this subsection shall not be considered assignments under
416 Section 25-11-129.

417 (3) If any person who has received a refund reenters the

418 state service and again becomes a member of the system and remains
419 a contributor for two (2) years, the member may repay all or part
420 of the amounts previously received as a refund, together with
421 regular interest covering the period from the date of refund to
422 the date of repayment; provided, however, that the amounts that
423 are repaid by the member and the creditable service related
424 thereto shall not be used in any benefit calculation or
425 determination until the member has remained a contributor to the
426 system for a period of at least four (4) years subsequent to such
427 member's reentry into state service. Repayment for such time
428 shall be made in increments of not less than one-quarter (1/4)
429 year of creditable service beginning with the most recent service
430 for which refund has been made. Upon the repayment of all or part
431 of such refund and interest, the member shall again receive credit
432 for the period of creditable service for which full repayment has
433 been made to the system.

434 SECTION 9. Section 25-11-127, Mississippi Code of 1972, is
435 amended as follows:

436 25-11-127. No person who is being paid a retirement
437 allowance, or a pension after retirement under this article, shall
438 be employed or paid for any service by the State of Mississippi,
439 except as provided in this section, unless such person was a
440 participant in the Deferred Retirement Option Plan, in which case
441 Section 6 of Senate Bill No. 2867, 1999 Regular Session, shall
442 also apply. This section shall not apply to any pensioner who has
443 been elected to public office after retirement, nor to any person
444 employed because of special knowledge or experience. This section
445 shall not be construed to mean that any person employed or elected
446 under the above exceptions shall become a member under Article 3
447 of the retirement system, nor shall any retirant of this
448 retirement system who is reemployed or is reelected to office,
449 after retirement continue to draw retirement benefits while so
450 reemployed. Any person who has been retired under the provisions
451 of Articles 1 and 3 and who is later reemployed in service covered

452 by this article shall cease to receive benefits hereunder and
453 shall again become a contributing member of the retirement system;
454 and upon again retiring, if his reemployment exceeds six (6)
455 months, shall have his benefit recomputed, including service after
456 again becoming a member. Provided, further, that the total
457 retirement allowance paid to the retired member in his previous
458 retirement shall be deducted from his retirement reserve and taken
459 into consideration in recalculating the retirement allowance under
460 a new option selected. Nothing contained in this section shall be
461 construed as prohibiting any county or city not a member of the
462 Public Employees' Retirement System from employing persons up to
463 the age of seventy-three (73); and provided further that, through
464 June 30, 1988, nothing contained in this section shall be
465 construed as prohibiting any governmental unit which is a member
466 from employing persons up to the age of seventy-three (73) who are
467 not eligible for membership at the time of employment under
468 Article 3.

469 The board of trustees of the retirement system shall have the
470 right to prescribe rules and regulations for the carrying out of
471 this provision.

472 The provisions of this section shall not be construed to
473 prohibit any retirant regardless of age from being employed and
474 from drawing retirement allowance either (a) for a period of time
475 not to exceed one hundred twenty (120) days in any fiscal year,
476 but less than one-half (1/2) of the normal working days for the
477 position in any fiscal year, or (b) for a period of time in any
478 fiscal year sufficient in length to permit a retirant to earn not
479 in excess of twenty-five percent (25%) of retirant's average
480 compensation or the current rate of the salary in effect for the
481 regular position filled. Notice shall be given in writing to the
482 executive secretary of the system, setting forth the facts upon
483 which the emergency employment is being made, and such notice
484 shall be given within five (5) days from the date of employment
485 and also from the date of termination of said employment. It is

486 further provided that any member who has attained seventy (70)
487 years of age and who has forty (40) or more years of creditable
488 service may continue in office or employment or be reemployed or
489 elected provided such person files annually, in writing, in the
490 office of the employer and the office of the executive secretary
491 of the system prior to such services, a waiver of all salary or
492 compensation and elects to receive in lieu of such salary or
493 compensation a retirement allowance as provided in this section,
494 in which event no salary or compensation shall thereafter be due
495 or payable for such services and provided further, that any such
496 officer or employee may receive in addition to such retirement
497 allowance any per diem, office expense allowance, mileage or
498 travel expense authorized by any statute of the State of
499 Mississippi. Any other member may continue in municipal or county
500 office or employment or be reemployed or elected in a municipality
501 or county provided such person files annually, in writing, in the
502 office of the employer and the office of the executive secretary
503 of the system prior to such services, a waiver of all salary or
504 compensation and elects to receive in lieu of such salary or
505 compensation a retirement allowance as provided in this section,
506 in which event no salary or compensation shall thereafter be due
507 or payable for such services and provided, further, that any such
508 officer or employee may receive in addition to such retirement
509 allowance any per diem, office expense allowance, mileage or
510 travel expense authorized by any statute of the State of
511 Mississippi.

512 SECTION 10. This act shall take effect and be in force from
513 and after July 1, 1999.