To: Insurance; Appropriations

MISSISSIPPI LEGISLATURE                        REGULAR SESSION 2001
By: Representative Mayo

HOUSE BILL NO. 1086

AN ACT TO AMEND SECTION 25-11-127, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT PERSONS RECEIVING A RETIREMENT ALLOWANCE FROM THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM WHO ARE ELECTED OR APPOINTED TO PUBLIC OFFICE IN A POLITICAL SUBDIVISION OR INSTRUMENTALITY THEREOF AFTER RETirement, AND ELECTED OR APPOINTED OFFICIALS IN A POLITICAL SUBDIVISION OR INSTRUMENTALITY THEREOF WHO BECOME ELIGIBLE TO RECEIVE A RETIREMENT ALLOWANCE FROM THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM WHILE HOLDING OFFICE, MAY RECEIVE, IF THE EMPLOYEE IS NOT ELIGIBLE FOR MEDICARE BENEFITS, HEALTH INSURANCE BENEFITS PROVIDED BY THE POLITICAL SUBDIVISION FOR ALL OTHER EMPLOYEES; AND FOR RELATED PURPOSES.

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

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

25-11-127. No person who is being paid a retirement allowance, or a pension after retirement under this article shall be employed or paid for any service by the State of Mississippi, except as provided in this section. This section shall not apply to any pensioner who has been elected to public office after retirement, nor to any person employed because of special knowledge or experience. This section shall not be construed to mean that any person employed or elected under the above exceptions shall become a member under Article 3 of the retirement system, nor shall any retirant of this retirement system who is reemployed or is reelected to office, after retirement continue to draw retirement benefits while so reemployed. Any person who has been retired under the provisions of Articles 1 and 3 and who is later reemployed in service covered by this article shall cease to receive benefits hereunder and shall again become a contributing member of the retirement system; and upon again retiring, if his
reemployment exceeds six (6) months, shall have his benefit recomputed, including service after again becoming a member. Provided, further, that the total retirement allowance paid to the retired member in his previous retirement shall be deducted from his retirement reserve and taken into consideration in recalculating the retirement allowance under a new option selected. Nothing contained in this section shall be construed as prohibiting any county or city not a member of the Public Employees' Retirement System from employing persons up to the age of seventy-three (73); and provided further that, through June 30, 1988, nothing contained in this section shall be construed as prohibiting any governmental unit which is a member from employing persons up to the age of seventy-three (73) who are not eligible for membership at the time of employment under Article 3.

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

The provisions of this section shall not be construed to prohibit any retirant regardless of age from being employed and from drawing retirement allowance either (a) for a period of time not to exceed one hundred twenty (120) days in any fiscal year, but less than one-half (1/2) of the normal working days for the position in any fiscal year, or (b) for a period of time in any fiscal year sufficient in length to permit a retirant to earn not in excess of twenty-five percent (25%) of retirant's average compensation or the current rate of the salary in effect for the regular position filled. Notice shall be given in writing to the executive secretary of the system, setting forth the facts upon which the emergency employment is being made, and such notice shall be given within five (5) days from the date of employment and also from the date of termination of said employment. It is further provided that any member who has attained seventy (70) years of age and who has forty (40) or more years of creditable
service may continue in office or employment or be reemployed or elected provided such person files annually, in writing, in the office of the employer and the office of the executive secretary of the system prior to such services, a waiver of all salary or compensation and elects to receive in lieu of such salary or compensation a retirement allowance as provided in this section, in which event no salary or compensation shall thereafter be due or payable for such services and provided, further, that any such officer or employee may receive in addition to such retirement allowance any per diem, office expense allowance, mileage or travel expense authorized by any statute of the State of Mississippi. Any other member may continue in municipal or county office or employment or be reemployed or elected in a municipality or county provided such person files annually, in writing, in the office of the employer and the office of the executive secretary of the system prior to such services, a waiver of all salary or compensation and elects to receive in lieu of such salary or compensation a retirement allowance as provided in this section, in which event no salary or compensation shall thereafter be due or payable for such services and provided, further, that any such officer or employee may receive in addition to such retirement allowance any per diem, office expense allowance, mileage or travel expense authorized by any statute of the State of Mississippi and, if the employee is not eligible for Medicare benefits, any health insurance benefit which is provided by the political subdivision to all other employees of the subdivision.

SECTION 2. The Attorney General of the State of Mississippi shall submit this act, immediately upon approval by the Governor, or upon approval by the Legislature subsequent to a veto, to the Attorney General of the United States or to the United States District Court for the District of Columbia in accordance with the provisions of the Voting Rights Act of 1965, as amended and extended.
SECTION 3. This act shall take effect and be in force from and after July 1, 2001, if it is effectuated on or before that date under Section 5 of the Voting Rights Act of 1965, as amended and extended. If it is effectuated under Section 5 of the Voting Rights Act of 1965, as amended and extended, after July 1, 2001, this act shall take effect and be in force from and after the date it is effectuated under Section 5 of the Voting Rights Act of 1965, as amended and extended.