

By: Representative Mayo

To: Insurance;  
Appropriations

HOUSE BILL NO. 1086

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

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

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

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

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

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

48 The provisions of this section shall not be construed to  
49 prohibit any retirant regardless of age from being employed and  
50 from drawing retirement allowance either (a) for a period of time  
51 not to exceed one hundred twenty (120) days in any fiscal year,  
52 but less than one-half (1/2) of the normal working days for the  
53 position in any fiscal year, or (b) for a period of time in any  
54 fiscal year sufficient in length to permit a retirant to earn not  
55 in excess of twenty-five percent (25%) of retirant's average  
56 compensation or the current rate of the salary in effect for the  
57 regular position filled. Notice shall be given in writing to the  
58 executive secretary of the system, setting forth the facts upon  
59 which the emergency employment is being made, and such notice  
60 shall be given within five (5) days from the date of employment  
61 and also from the date of termination of said employment. It is  
62 further provided that any member who has attained seventy (70)  
63 years of age and who has forty (40) or more years of creditable

64 service may continue in office or employment or be reemployed or  
65 elected provided such person files annually, in writing, in the  
66 office of the employer and the office of the executive secretary  
67 of the system prior to such services, a waiver of all salary or  
68 compensation and elects to receive in lieu of such salary or  
69 compensation a retirement allowance as provided in this section,  
70 in which event no salary or compensation shall thereafter be due  
71 or payable for such services and provided, further, that 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 such person files annually, in writing, in the  
78 office of the employer and the office of the executive secretary  
79 of the system prior to such services, a waiver of all salary or  
80 compensation and elects to receive in lieu of such salary or  
81 compensation a retirement allowance as provided in this section,  
82 in which event no salary or compensation shall thereafter be due  
83 or payable for such services and provided, further, that any such  
84 officer or employee may receive in addition to such retirement  
85 allowance any per diem, office expense allowance, mileage or  
86 travel expense authorized by any statute of the State of  
87 Mississippi and, if the employee is not eligible for Medicare  
88 benefits, any health insurance benefit which is provided by the  
89 political subdivision to all other employees of the subdivision.

90 SECTION 2. The Attorney General of the State of Mississippi  
91 shall submit this act, immediately upon approval by the Governor,  
92 or upon approval by the Legislature subsequent to a veto, to the  
93 Attorney General of the United States or to the United States  
94 District Court for the District of Columbia in accordance with the  
95 provisions of the Voting Rights Act of 1965, as amended and  
96 extended.

97           SECTION 3. This act shall take effect and be in force from  
98 and after July 1, 2001, if it is effectuated on or before that  
99 date under Section 5 of the Voting Rights Act of 1965, as amended  
100 and extended. If it is effectuated under Section 5 of the Voting  
101 Rights Act of 1965, as amended and extended, after July 1, 2001,  
102 this act shall take effect and be in force from and after the date  
103 it is effectuated under Section 5 of the Voting Rights Act of  
104 1965, as amended and extended.