

By: Senator(s) Harden

To: Finance

SENATE BILL NO. 2615

1 AN ACT TO AMEND SECTION 25-11-127, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT A MEMBER OF THE PUBLIC EMPLOYEES' RETIREMENT
3 SYSTEM MAY DRAW A RETIREMENT ALLOWANCE AND BE REEMPLOYED FOR UP TO
4 1/2 THE EQUIVALENT NUMBER OF HOURS AND RECEIVE UP TO 1/2 OF THE
5 SALARY FOR THE POSITION WITHOUT ANY LIMITATION ON THE NUMBER OF
6 WORKING DAYS; AND FOR RELATED PURPOSES.

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

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

10 25-11-127. No person who is being paid a retirement
11 allowance, or a pension after retirement under this article shall
12 be employed or paid for any service by the State of Mississippi,
13 except as provided in this section. This section shall not apply
14 to any pensioner who has been elected to public office after
15 retirement, nor to any person employed because of special
16 knowledge or experience. This section shall not be construed to
17 mean that any person employed or elected under the above
18 exceptions shall become a member under Article 3 of the retirement
19 system, nor shall any retirant of this retirement system who is
20 reemployed or is reelected to office, after retirement continue to
21 draw retirement benefits while so reemployed. Any person who has
22 been retired under the provisions of Articles 1 and 3 and who is
23 later reemployed in service covered by this article shall cease to
24 receive benefits hereunder and shall again become a contributing
25 member of the retirement system; and upon again retiring, if his
26 reemployment exceeds six (6) months, shall have his benefit
27 recomputed, including service after again becoming a member.
28 Provided, further, that the total retirement allowance paid to the

29 retired member in his previous retirement shall be deducted from
30 his retirement reserve and taken into consideration in
31 recalculating the retirement allowance under a new option
32 selected. Nothing contained in this section shall be construed as
33 prohibiting any county or city not a member of the Public
34 Employees' Retirement System from employing persons up to the age
35 of seventy-three (73); and provided further that, through June 30,
36 1988, nothing contained in this section shall be construed as
37 prohibiting any governmental unit which is a member from employing
38 persons up to the age of seventy-three (73) who are not eligible
39 for membership at the time of employment under Article 3.

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

43 The provisions of this section shall not be construed to
44 prohibit any retirant regardless of age from being employed and
45 from drawing retirement allowance either (a) for a period of time
46 not to exceed * * * one-half (1/2) of the normal working days for
47 the position in any fiscal year during which the retiree will
48 receive no more than one-half (1/2) of the salary in effect for
49 the position at the time of employment, or (b) for a period of
50 time in any fiscal year sufficient in length to permit a retirant
51 to earn not in excess of twenty-five percent (25%) of retirant's
52 average compensation * * *. In determining the normal working
53 days above, the employer shall determine the required working days
54 for the position on a full time basis and the equivalent number of
55 hours representing the full time position. The retiree may then
56 work up to one-half (1/2) of the required working days or up to
57 one-half (1/2) of the equivalent number of hours and receive up to
58 one-half (1/2) of the salary for the position. In the case of
59 employment with multiple employers, the limitation shall equal
60 one-half (1/2) of the number of days or hours for a single full
61 time position. Notice shall be given in writing to the executive

62 director of the system, setting forth the facts upon which the
63 emergency employment is being made, and such notice shall be given
64 within five (5) days from the date of employment and also from the
65 date of termination of said employment. It is further provided
66 that any member who has attained seventy (70) years of age and who
67 has forty (40) or more years of creditable service may continue in
68 office or employment or be reemployed or elected provided such
69 person files annually, in writing, in the office of the employer
70 and the office of the executive director of the system prior to
71 such services, a waiver of all salary or compensation and elects
72 to receive in lieu of such salary or compensation a retirement
73 allowance as provided in this section, in which event no salary or
74 compensation shall thereafter be due or payable for such services
75 and provided, further, that any such officer or employee may
76 receive in addition to such retirement allowance any per diem,
77 office expense allowance, mileage or travel expense authorized by
78 any statute of the State of Mississippi. Any other member may
79 continue in municipal or county office or employment or be
80 reemployed or elected in a municipality or county provided such
81 person files annually, in writing, in the office of the employer
82 and the office of the executive director of the system prior to
83 such services, a waiver of all salary or compensation and elects
84 to receive in lieu of such salary or compensation a retirement
85 allowance as provided in this section, in which event no salary or
86 compensation shall thereafter be due or payable for such services
87 and provided, further, that any such officer or employee may
88 receive in addition to such retirement allowance any per diem,
89 office expense allowance, mileage or travel expense authorized by
90 any statute of the State of Mississippi.

91 SECTION 2. This act shall take effect and be in force from
92 and after July 1, 2001.