

By: Senator(s) Furniss

To: Finance

SENATE BILL NO. 2852

1 AN ACT TO AMEND SECTION 25-11-127, MISSISSIPPI CODE OF 1972,  
 2 TO AUTHORIZE MEMBERS OF THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM  
 3 WHO ARE EMPLOYED BY A COUNTY OR MUNICIPALITY AND WHO CHOOSE TO  
 4 RECEIVE A RETIREMENT BENEFIT IN LIEU OF REGULAR COMPENSATION, TO  
 5 RECEIVE HEALTH INSURANCE BENEFITS PROVIDED TO OTHER EMPLOYEES OF  
 6 THE MUNICIPALITY OR COUNTY IF THEY ARE NOT ELIGIBLE FOR MEDICARE  
 7 AND CONTINUE TO RECEIVE THEIR RETIREMENT BENEFIT; AND FOR RELATED  
 8 PURPOSES.

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

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

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

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

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

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

63 office of the employer and the office of the executive secretary  
64 of the system prior to such services, a waiver of all salary or  
65 compensation and elects to receive in lieu of such salary or  
66 compensation a retirement allowance as provided in this section,  
67 in which event no salary or compensation shall thereafter be due  
68 or payable for such services and provided, further, that any such  
69 officer or employee may receive in addition to such retirement  
70 allowance any per diem, office expense allowance, mileage or  
71 travel expense authorized by any statute of the State of  
72 Mississippi. Any other member may continue in municipal or county  
73 office or employment or be reemployed or elected in a municipality  
74 or county provided such person files annually, in writing, in the  
75 office of the employer and the office of the executive secretary  
76 of the system prior to such services, a waiver of all salary or  
77 compensation and elects to receive in lieu of such salary or  
78 compensation a retirement allowance as provided in this section,  
79 in which event no salary or compensation shall thereafter be due  
80 or payable for such services and provided, further, that any such  
81 officer or employee may receive in addition to such retirement  
82 allowance:

83           (a) Any per diem, office expense allowance, mileage or  
84 travel expense authorized by any statute of the State of  
85 Mississippi; and,

86           (b) If the employee is not eligible for Medicare, any  
87 health insurance benefit which is provided to all other employees  
88 by the municipality or county.

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

96 SECTION 3. This act shall take effect and be in force from  
97 and after the date it is effectuated under Section 5 of the Voting  
98 Rights Act of 1965, as amended and extended.