

By: Senator(s) Chaney

To: Finance

SENATE BILL NO. 2989

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.

53 In determining the normal working days above, the employer  
54 shall determine the required working days for the position on a  
55 full-time basis and the equivalent number of hours representing  
56 the full-time position. The retiree may then work up to one-half  
57 (1/2) of the required working days or up to one-half (1/2) of the  
58 equivalent number of hours and receive up to one-half (1/2) of the  
59 salary for the position. In the case of employment with multiple  
60 employers, the limitation shall equal one-half (1/2) of the number  
61 of days or hours for a single full-time position. Notice shall be

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

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