SENATE BILL NO. 2258

AN ACT TO AMEND SECTION 25-11-127, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT A MEMBER OF THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM MAY CONTINUE IN COUNTY OR MUNICIPAL ELECTED OFFICE WHILE RETIRED OR A RETIRED MEMBER MAY BE ELECTED TO A COUNTY OR MUNICIPAL ELECTED OFFICE WITHOUT WAIVING RETIREMENT BENEFITS IF THE RETIREE RECEIVES COMPENSATION FOR SUCH OFFICE THAT IS NOT IN EXCESS OF 25% OF SUCH RETIREE'S AVERAGE COMPENSATION; 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. (1) 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 be construed to mean that any person employed or elected under the * * * exceptions provided for in this section shall become a member under Article 3 of the retirement system, nor shall any retiree of this retirement system who is reemployed or is reelected to office after retirement continue to draw retirement benefits while so reemployed, except as otherwise provided for in this section.

(2) 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 under this article and shall again become a contributing member of the retirement system. When the person retires again, if the reemployment exceeds six (6) months, the person shall have his or her benefit recomputed, including service after again becoming a member, provided that the total retirement allowance paid to the retired...
member in his or her previous retirement shall be deducted from
the member's retirement reserve and taken into consideration in
recalculating the retirement allowance under a new option
selected.

(3) The board shall have the right to prescribe rules
and regulations for carrying out the provisions of this section.

(4) The provisions of this section shall not be construed to
prohibit any retiree, regardless of age, from being employed and
drawing a retirement allowance either:

(a) For a period of time not to exceed one-half (1/2)
of the normal working days for the position in any fiscal year
during which the retiree will receive no more than one-half (1/2)
of the salary in effect for the position at the time of
employment, or

(b) For a period of time in any fiscal year sufficient
in length to permit a retiree to earn not in excess of twenty-five
percent (25%) of retiree’s average compensation.

To determine the normal working days for a position under
paragraph (a) of this subsection, the employer shall determine the
required number of working days for the position on a full-time
basis and the equivalent number of hours representing the
full-time position. The retiree then may work up to one-half
(1/2) of the required number of working days or up to one-half
(1/2) of the equivalent number of hours and receive up to one-half
(1/2) of the salary for the position. In the case of employment
with multiple employers, the limitation shall equal one-half (1/2)
of the number of days or hours for a single full-time position.

Notice shall be given in writing to the executive
director, setting forth the facts upon which the employment
is being made, and the notice shall be given within five (5) days
from the date of employment and also from the date of termination
of the employment.
(5) 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 that the person files annually, in writing, in the office of the employer and the office of the executive director of the system before those services, a waiver of all salary or compensation and elects to receive in lieu of that 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 those services. However, any such officer or employee may receive, in addition to the retirement allowance, any per diem, office expense allowance, mileage or travel expense authorized by any statute of the State of Mississippi.

(6) Any member may continue in municipal or county elected office or be elected to a municipal or county office, provided that the person:

(a) Files annually, in writing, in the office of the employer and the office of the executive director of the system before such person takes office or as soon as possible after retirement, a waiver of all salary or compensation and elects to receive in lieu of that 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 those services; however, any such officer or employee may receive, in addition to the retirement allowance, any per diem, office expense allowance, mileage or travel expense authorized by any statute of the State of Mississippi; or

(b) Receives compensation for such elective office in an amount not to exceed twenty-five percent (25%) of such retiree’s average compensation.

SECTION 2. This act shall take effect and be in force from and after July 1, 2002.