

By: Senator(s) Posey

To: Finance

SENATE BILL NO. 2525

1 AN ACT TO CREATE NEW SECTION 41-29-30, MISSISSIPPI CODE OF
2 1972, TO CREATE A NEW CODE SECTION TO BE CODIFIED AS SECTION 41-
3 29-30, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE MISSISSIPPI
4 COMMISSION ON WILDLIFE, FISHERIES AND PARKS TO IMPLEMENT A
5 RETIREMENT INCENTIVE PROGRAM FOR CONSERVATION OFFICERS; AND FOR
6 RELATED PURPOSES.

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

8 **SECTION 1.** The following provision shall be codified as
9 Section 41-29-30, Mississippi Code of 1972:

10 41-29-30. (1) The Legislature finds and declares that a
11 compelling state interest exists in providing a retirement
12 incentive program or encouraging the retirement of conservation
13 officers who are current and active contributing members of the
14 Public Employees' Retirement System.

15 (2) As used in this section "program" means the retirement
16 incentive program established under this section.

17 (3) (a) The department is authorized to pay, in fiscal
18 years selected by the commission, a monetary incentive to
19 conservation officers who are eligible for retirement in exchange
20 for a voluntary agreement of the conservation officer:

21 (i) To retire on a specific date as set forth in
22 subsection (6) of this section, and

23 (ii) To waive any and all claims, known or
24 unknown, arising out of or related to employment or cessation of
25 employment with the Department of Wildlife, Fisheries and Parks.

26 (b) The granting of additional compensation shall be
27 made in exchange for additional consideration given by the
28 employee.



29 (c) The retirement incentive authorized by this section
30 is a voluntary plan for conservation officers offering an
31 incentive for retirement. The plan shall be available to all
32 conservation officers who meet the eligibility criteria set forth
33 in subsection (4) of this section.

34 (4) (a) To be eligible to participate in the program,
35 conservation officers must, as of the effective date of their
36 retirement, be eligible to retire under the laws governing the
37 Public Employees' Retirement System by virtue of:

38 (i) Having twenty-five (25) years of creditable
39 service, or

40 (ii) Being age sixty (60) and having at least four
41 (4) years of creditable service.

42 (b) The department shall, in all cases, utilize the
43 records of the Public Employees' Retirement System as the source
44 for determining eligibility.

45 (c) The program is offered as an alternative to any
46 other retirement incentive plan that may be offered by the state
47 or the Public Employees' Retirement System in the future.

48 (5) In accordance with applicable law, the department shall
49 provide a cash benefit to each participant in the program based
50 upon a percentage of the participant's current salary that is
51 subject to federal income tax, state income tax and Federal
52 Insurance Contributions Act withholding. The participant shall be
53 compensated for unused annual leave as otherwise provided by law.
54 The cash benefit paid under this section shall not be subject to
55 employer or employee contributions under the laws governing the
56 Public Employees' Retirement System.

57 (6) Eligible conservation officers shall make their election
58 to participate in the program in the manner and at the time
59 prescribed by the commission. The date of retirement for all
60 conservation officers participating in this program shall be June
61 30 of any fiscal year in which the program is offered.



62 Conservation officers electing to participate in the program shall
63 agree to waive any claims, known or unknown, arising out of or
64 related to employment or cessation of employment at the
65 department. A conservation officer may revoke the election to
66 participate in the program within seven (7) days after the
67 execution of the election.

68 (7) The additional compensation authorized under the program
69 is made in exchange for additional consideration given by the
70 conservation officer.

71 (8) The commission shall prescribe such rules and
72 regulations as it shall consider necessary to carry out the
73 purposes of this section.

74 **SECTION 2.** This act shall take effect and be in force from
75 and after July 1, 2003.

