

By: Senator(s) Posey

To: Finance

COMMITTEE SUBSTITUTE
FOR
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
3 41-29-30, 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 ASSIGNED TO
6 THE LAW ENFORCEMENT DIVISION; AND FOR 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 assigned to the Law Enforcement Division who are current
14 and active contributing members of the Public Employees'
15 Retirement System.

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

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

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

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



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

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

37 (4) (a) To be eligible to participate in the program,
38 conservation officers assigned to the Law Enforcement Division
39 must, as of the effective date of their retirement, be eligible to
40 retire under the laws governing the Public Employees' Retirement
41 System by virtue of:

42 (i) Having twenty-five (25) years of creditable
43 service, or

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

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

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

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



61 (6) Eligible conservation officers shall make their election
62 to participate in the program in the manner and at the time
63 prescribed by the commission. The date of retirement for all
64 conservation officers participating in this program shall be June
65 30 of any fiscal year in which the program is offered.
66 Conservation officers electing to participate in the program shall
67 agree to waive any claims, known or unknown, arising out of or
68 related to employment or cessation of employment at the
69 department. A conservation officer may revoke the election to
70 participate in the program within seven (7) days after the
71 execution of the election.

72 (7) The additional compensation authorized under the program
73 is made in exchange for additional consideration given by the
74 conservation officer.

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

78 **SECTION 2.** This act shall take effect and be in force from
79 and after its passage.

