SENATE BILL NO. 2766

AN ACT TO AMEND SECTION 37-7-301, MISSISSIPPI CODE OF 1972, TO AUTHORIZE LOCAL SCHOOL DISTRICTS TO CONTRACT WITH PRIVATE ENTITIES TO PROVIDE INSTRUCTIONAL SERVICES TO PUPILS; TO AMEND SECTIONS 25-11-103 AND 25-11-127, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT FOR PURPOSES OF THE RETIREMENT SYSTEM, EMPLOYEES OF SUCH PRIVATE ENTITIES SHALL NOT BE CONSIDERED IN STATE SERVICE AND SHALL NOT BE PROHIBITED FROM RECEIVING RETIREMENT BENEFITS; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 37-7-301, Mississippi Code of 1972, is amended as follows:

37-7-301. The school boards of all school districts shall have the following powers, authority and duties in addition to all others imposed or granted by law, to wit:

(a) To organize and operate the schools of the district and to make such division between the high school grades and elementary grades as, in their judgment, will serve the best interests of the school;

(b) To introduce public school music, art, manual training and other special subjects into either the elementary or high school grades, as the board shall deem proper;

(c) To be the custodians of real and personal school property and to manage, control and care for same, both during the school term and during vacation;

(d) To have responsibility for the erection, repairing and equipping of school facilities and the making of necessary school improvements;

(e) To suspend or to expel a pupil or to change the placement of a pupil to the school district's alternative school or home-bound program for misconduct in the school or on school premises.
property, as defined in Section 37-11-29, on the road to and from
school, or at any school-related activity or event, or for conduct
occurring on property other than school property or other than at a
school-related activity or event when such conduct by a pupil,
in the determination of the school superintendent or principal,
renders that pupil's presence in the classroom a disruption to the
educational environment of the school or a detriment to the best
interest and welfare of the pupils and teacher of such class as a whole, and to delegate such authority to the appropriate officials
of the school district;

(f) To visit schools in the district, in their
discretion, in a body for the purpose of determining what can be
done for the improvement of the school in a general way;

(g) To support, within reasonable limits, the
superintendent, principal and teachers where necessary for the
proper discipline of the school;

(h) To exclude from the schools students with what
appears to be infectious or contagious diseases; provided,
however, such student may be allowed to return to school upon
presenting a certificate from a public health officer, duly
licensed physician or nurse practitioner that the student is free
from such disease;

(i) To require those vaccinations specified by the
State Health Officer as provided in Section 41-23-37, Mississippi
Code of 1972;

(j) To see that all necessary utilities and services
are provided in the schools at all times when same are needed;

(k) To authorize the use of the school buildings and
grounds for the holding of public meetings and gatherings of the
people under such regulations as may be prescribed by said board;

(l) To prescribe and enforce rules and regulations not
inconsistent with law or with the regulations of the State Board
of Education for their own government and for the government of
the schools, and to transact their business at regular and special
meetings called and held in the manner provided by law;

(m) To maintain and operate all of the schools under
their control for such length of time during the year as may be
required;

(n) To enforce in the schools the courses of study and
the use of the textbooks prescribed by the proper authorities;

(o) To make orders directed to the superintendent of
schools for the issuance of pay certificates for lawful purposes
on any available funds of the district and to have full control of
the receipt, distribution, allotment and disbursement of all funds
provided for the support and operation of the schools of such
school district whether such funds be derived from state
appropriations, local ad valorem tax collections, or otherwise;

(p) To select all school district personnel in the
manner provided by law, and to provide for such employee fringe
benefit programs, including accident reimbursement plans, as may
be deemed necessary and appropriate by the board;

(q) To provide athletic programs and other school
activities and to regulate the establishment and operation of such
programs and activities;

(r) To join, in their discretion, any association of
school boards and other public school-related organizations, and
to pay from local funds other than minimum foundation funds, any
membership dues;

(s) To expend local school activity funds, or other
available school district funds, other than minimum education
program funds, for the purposes prescribed under this paragraph.
"Activity funds" shall mean all funds received by school officials
in all school districts paid or collected to participate in any
school activity, such activity being part of the school program
and partially financed with public funds or supplemented by public
funds. The term "activity funds" shall not include any funds
raised and/or expended by any organization unless commingled in a
bank account with existing activity funds, regardless of whether
the funds were raised by school employees or received by school
employees during school hours or using school facilities, and
regardless of whether a school employee exercises influence over
the expenditure or disposition of such funds. Organizations shall
not be required to make any payment to any school for the use of
any school facility if, in the discretion of the local school
governing board, the organization's function shall be deemed to be
beneficial to the official or extracurricular programs of the
school. For the purposes of this provision, the term
"organization" shall not include any organization subject to the
control of the local school governing board. Activity funds may
only be expended for any necessary expenses or travel costs,
including advances, incurred by students and their chaperons in
attending any in-state or out-of-state school-related programs,
conventions or seminars and/or any commodities, equipment, travel
expenses, purchased services or school supplies which the local
school governing board, in its discretion, shall deem beneficial
to the official or extracurricular programs of the district,
including items which may subsequently become the personal
property of individuals, including yearbooks, athletic apparel,
book covers and trophies. Activity funds may be used to pay
travel expenses of school district personnel. The local school
governing board shall be authorized and empowered to promulgate
rules and regulations specifically designating for what purposes
school activity funds may be expended. The local school governing
board shall provide (i) that such school activity funds shall be
maintained and expended by the principal of the school generating
the funds in individual bank accounts, or (ii) that such school
activity funds shall be maintained and expended by the
superintendent of schools in a central depository approved by the
board. The local school governing board shall provide that such
school activity funds be audited as part of the annual audit
required in Section 37-9-18. The State Auditor shall prescribe a
uniform system of accounting and financial reporting for all
school activity fund transactions;

(t) To contract, on a shared savings, lease or
lease-purchase basis, for energy efficiency services and/or
equipment as provided for in Section 31-7-14, not to exceed ten
(10) years;

(u) To maintain accounts and issue pay certificates on
school food service bank accounts;

(v) (i) To lease a school building from an individual,
partnership, nonprofit corporation or a private for-profit
corporation for the use of such school district, and to expend
funds therefor as may be available from any nonminimum program
sources. The school board of the school district desiring to
lease a school building shall declare by resolution that a need
exists for a school building and that the school district cannot
provide the necessary funds to pay the cost or its proportionate
share of the cost of a school building required to meet the
present needs. The resolution so adopted by the school board
shall be published once each week for three (3) consecutive weeks
in a newspaper having a general circulation in the school district
involved, with the first publication thereof to be made not less
than thirty (30) days prior to the date upon which the school
board is to act on the question of leasing a school building. If
no petition requesting an election is filed prior to such meeting
as hereinafter provided, then the school board may, by resolution
spread upon its minutes, proceed to lease a school building. If
at any time prior to said meeting a petition signed by not less
than twenty percent (20%) or fifteen hundred (1500), whichever is
less, of the qualified electors of the school district involved
shall be filed with the school board requesting that an election
be called on the question, then the school board shall, not later
than the next regular meeting, adopt a resolution calling an
election to be held within such school district upon the question
of authorizing the school board to lease a school building. Such
election shall be called and held, and notice thereof shall be
given, in the same manner for elections upon the questions of the
issuance of the bonds of school districts, and the results thereof
shall be certified to the school board. If at least three-fifths
(3/5) of the qualified electors of the school district who voted
in such election shall vote in favor of the leasing of a school
building, then the school board shall proceed to lease a school
building. The term of the lease contract shall not exceed twenty
(20) years, and the total cost of such lease shall be either the
amount of the lowest and best bid accepted by the school board
after advertisement for bids or an amount not to exceed the
current fair market value of the lease as determined by the
averaging of at least two (2) appraisals by certified general
appraisers licensed by the State of Mississippi. The term "school
building" as used in this item (v) shall be construed to mean any
building or buildings used for classroom purposes in connection
with the operation of schools and shall include the site therefor,
necessary support facilities, and the equipment thereof and
appurtenances thereto such as heating facilities, water supply,
sewage disposal, landscaping, walks, drives and playgrounds. The
term "lease" as used in this item (v)(i) may include a
lease/purchase contract;

(ii) If two (2) or more school districts propose
to enter into a lease contract jointly, then joint meetings of the
school boards having control may be held but no action taken shall
be binding on any such school district unless the question of
leasing a school building is approved in each participating school
district under the procedure hereinabove set forth in item (v)(i).
All of the provisions of item (v)(i) regarding the term and amount
of the lease contract shall apply to the school boards of school
districts acting jointly. Any lease contract executed by two (2) or more school districts as joint lessees shall set out the amount of the aggregate lease rental to be paid by each, which may be agreed upon, but there shall be no right of occupancy by any lessee unless the aggregate rental is paid as stipulated in the lease contract. All rights of joint lessees under the lease contract shall be in proportion to the amount of lease rental paid by each;

(w) To employ all noninstructional and noncertificated employees and fix the duties and compensation of such personnel deemed necessary pursuant to the recommendation of the superintendent of schools;

(x) To employ and fix the duties and compensation of such legal counsel as deemed necessary;

(y) Subject to rules and regulations of the State Board of Education, to purchase, own and operate trucks, vans and other motor vehicles, which shall bear the proper identification required by law;

(z) To expend funds for the payment of substitute teachers and to adopt reasonable regulations for the employment and compensation of such substitute teachers;

(aa) To acquire in its own name by purchase all real property which shall be necessary and desirable in connection with the construction, renovation or improvement of any public school building or structure. Whenever the purchase price for such real property is greater than Fifty Thousand Dollars ($50,000.00), the school board shall not purchase the property for an amount exceeding the fair market value of such property as determined by the average of at least two (2) independent appraisals by certified general appraisers licensed by the State of Mississippi. If the board shall be unable to agree with the owner of any such real property in connection with any such project, the board shall have the power and authority to acquire any such real property by
condemnation proceedings pursuant to Section 11-27-1 et seq.,
Mississippi Code of 1972, and for such purpose, the right of
eminent domain is hereby conferred upon and vested in said board.
Provided further, that the local school board is authorized to
grant an easement for ingress and egress over sixteenth section
land or lieu land in exchange for a similar easement upon
adjoining land where the exchange of easements affords substantial
benefit to the sixteenth section land; provided, however, the
exchange must be based upon values as determined by a competent
appraiser, with any differential in value to be adjusted by cash
payment. Any easement rights granted over sixteenth section land
under such authority shall terminate when the easement ceases to
be used for its stated purpose. No sixteenth section or lieu land
which is subject to an existing lease shall be burdened by any
such easement except by consent of the lessee or unless the school
district shall acquire the unexpired leasehold interest affected
by the easement;

(bb) To charge reasonable fees related to the
educational programs of the district, in the manner prescribed in
Section 37-7-335;

(cc) Subject to rules and regulations of the State
Board of Education, to purchase relocatable classrooms for the use
of such school district, in the manner prescribed in Section
37-1-13;

(dd) Enter into contracts or agreements with other
school districts, political subdivisions or governmental entities
to carry out one or more of the powers or duties of the school
board, or to allow more efficient utilization of limited resources
for providing services to the public;

(ee) To provide for in-service training for employees
of the district. Until June 30, 1994, the school boards may
designate two (2) days of the minimum school term, as defined in
Section 37-19-1, for employee in-service training for
implementation of the new statewide testing system as developed by
the State Board of Education. Such designation shall be subject
to approval by the State Board of Education pursuant to uniform
rules and regulations;

(ff) As part of their duties to prescribe the use of
textbooks, to provide that parents and legal guardians shall be
responsible for the textbooks and for the compensation to the
school district for any books which are not returned to the proper
schools upon the withdrawal of their dependent child. If a
textbook is lost or not returned by any student who drops out of
the public school district, the parent or legal guardian shall
also compensate the school district for the fair market value of
the textbooks;

(gg) To conduct fund-raising activities on behalf of
the school district that the local school board, in its
discretion, deems appropriate or beneficial to the official or
extracurricular programs of the district; provided that:

(i) Any proceeds of the fund-raising activities
shall be treated as "activity funds" and shall be accounted for as
are other activity funds under this section; and

(ii) Fund-raising activities conducted or
authorized by the board for the sale of school pictures, the
rental of caps and gowns or the sale of graduation invitations for
which the school board receives a commission, rebate or fee shall
contain a disclosure statement advising that a portion of the
proceeds of the sales or rentals shall be contributed to the
student activity fund;

(hh) To allow individual lessons for music, art and
other curriculum-related activities for academic credit or
nonacademic credit during school hours and using school equipment
and facilities, subject to uniform rules and regulations adopted
by the school board;
(ii) To charge reasonable fees for participating in an extracurricular activity for academic or nonacademic credit for necessary and required equipment such as safety equipment, band instruments and uniforms;

(jj) To conduct or participate in any fund-raising activities on behalf of or in connection with a tax-exempt charitable organization;

(kk) To exercise such powers as may be reasonably necessary to carry out the provisions of this section; and

(ll) To expend funds for the services of nonprofit arts organizations or other such nonprofit organizations who provide performances or other services for the students of the school district.

(mm) To contract with private entities to lease employees to provide instructional services to pupils.

SECTION 2. Section 25-11-103, Mississippi Code of 1972, is amended as follows:

25-11-103. The following words and phrases as used in Articles 1 and 3, unless a different meaning is plainly required by the context, shall have the following meanings:

(a) "Accumulated contributions" shall mean the sum of all the amounts deducted from the compensation of a member and credited to his individual account in the annuity savings account, together with regular interest thereon as provided in Section 25-11-123.

(b) "Actuarial cost" shall mean the amount of funds presently required to provide future benefits as determined by the board based on applicable tables and formulas provided by the actuary.

(c) "Actuarial equivalent" shall mean a benefit of equal value to the accumulated contributions, annuity or benefit, as the case may be, when computed upon the basis of such mortality.
(d) "Actuarial tables" shall mean such tables of mortality and rates of interest as shall be adopted by the board in accordance with the recommendation of the actuary.

(e) "Agency" shall mean any governmental body employing persons in the state service.

(f) "Average compensation" shall mean the average of the four (4) highest years of earned compensation reported for an employee in a fiscal or calendar year period, or combination thereof which do not overlap, or the last forty-eight (48) consecutive months of earned compensation reported for an employee. The four (4) years need not be successive or joined years of service. In no case shall the average compensation so determined be in excess of One Hundred Fifty Thousand Dollars ($150,000.00). In computing the average compensation, any amount paid in a lump sum for personal leave shall be included in the calculation to the extent that such amount does not exceed an amount which is equal to thirty (30) days of earned compensation and to the extent that it does not cause the employees' earned compensation to exceed the maximum reportable amount specified in Section 25-11-103(k); however, this thirty-day limitation shall not prevent the inclusion in the calculation of leave earned under federal regulations prior to July 1, 1976, and frozen as of that date as referred to in Section 25-3-99. Only the amount of lump sum pay for personal leave due and paid upon the death of a member attributable for up to one hundred fifty (150) days shall be used in the deceased member's average compensation calculation in determining the beneficiary's benefits. In computing the average compensation, no amounts shall be used which are in excess of the amount on which contributions were required and paid. If any member who is or has been granted any increase in annual salary or compensation of more than eight percent (8%) retires within
twenty-four (24) months from the date that such increase becomes effective, then the board shall exclude that part of the increase in salary or compensation that exceeds eight percent (8%) in calculating that member's average compensation for retirement purposes. The board may enforce this provision by rule or regulation. However, increases in compensation in excess of eight percent (8%) per year granted within twenty-four (24) months of the date of retirement may be included in such calculation of average compensation if satisfactory proof is presented to the board showing that the increase in compensation was the result of an actual change in the position held or services rendered, or that such compensation increase was authorized by the State Personnel Board or was increased as a result of statutory enactment, and the employer furnishes an affidavit stating that such increase granted within the last twenty-four (24) months was not contingent on a promise or agreement of the employee to retire. Nothing in Section 25-3-31 shall affect the calculation of the average compensation of any member for the purposes of this article. The average compensation of any member who retires before July 1, 1992, shall not exceed the annual salary of the Governor.

(g) "Beneficiary" shall mean any person entitled to receive a retirement allowance, an annuity or other benefit as provided by Articles 1 and 3. In the event of the death prior to retirement of any member whose spouse and/or children are not entitled to a retirement allowance on the basis that the member has less than four (4) years of service credit and/or has not been married for a minimum of one (1) year or the spouse has waived his or her entitlement to a retirement allowance pursuant to Section 25-11-114, the lawful spouse of a member at the time of the death of such member shall be the beneficiary of such member unless the member has designated another beneficiary subsequent to the date of marriage in writing, and filed such writing in the office of
the executive director of the board of trustees. No designation
or change of beneficiary shall be made in any other manner.

(h) "Board" shall mean the board of trustees provided
in Section 25-11-15 to administer the retirement system herein
created.

(i) "Creditable service" shall mean "prior service,"
"retroactive service" and all lawfully credited unused leave not
exceeding the accrual rates and limitations provided in Section
25-3-91 et seq., as of the date of withdrawal from service plus
"membership service" for which credit is allowable as provided in
Section 25-11-109. Except to limit creditable service reported to
the system for the purpose of computing an employee's retirement
allowance or annuity or benefits provided in this article, nothing
in this paragraph shall limit or otherwise restrict the power of
the governing authority of a municipality or other political
subdivision of the state to adopt such vacation and sick leave
policies as it deems necessary.

(j) "Child" means either a natural child of the member,
a child that has been made a child of the member by applicable
court action before the death of the member, or a child under the
permanent care of the member at the time of the latter's death,
which permanent care status shall be determined by evidence
satisfactory to the board.

(k) "Earned compensation" shall mean the full amount
earned by an employee for a given pay period including any
maintenance furnished up to a maximum of One Hundred Fifty
Thousand Dollars ($150,000.00) per year, and proportionately for
less than one (1) year of service. The value of such maintenance
when not paid in money shall be fixed by the employing state
agency, and, in case of doubt, by the board of trustees as defined
in Section 25-11-15. In any case, earned compensation shall be
limited to the regular periodic compensation paid, exclusive of
litigation fees, bond fees, and other similar extraordinary
nonrecurring payments. In addition, any member in a covered
position, as defined by Public Employees' Retirement System laws
and regulations, who is also employed by another covered agency or
political subdivision shall have the earnings of that additional
employment reported to the Public Employees' Retirement System
regardless of whether the additional employment is sufficient in
itself to be a covered position. In addition, computation of
earned compensation shall be governed by the following:

(i) In the case of constables, the net earnings
from their office after deduction of expenses shall apply, except
that in no case shall earned compensation be less than the total
direct payments made by the state or governmental subdivisions to
the official.

(ii) In the case of chancery or circuit clerks,
the net earnings from their office after deduction of expenses
shall apply as expressed in Section 25-11-123(f)(4).

(iii) In the case of members of the State
Legislature, all remuneration or amounts paid, except mileage
allowance, shall apply.

(iv) The amount by which an eligible employee's
salary is reduced pursuant to a salary reduction agreement
authorized under Section 25-17-5 shall be included as earned
compensation under this paragraph, provided this inclusion does
not conflict with federal law, including federal regulations and
federal administrative interpretations thereunder, pertaining to
the Federal Insurance Contributions Act or to Internal Revenue
Code Section 125 cafeteria plans.

(v) Compensation in addition to an employee's base
salary that is paid to the employee pursuant to the vacation and
sick leave policies of a municipality or other political
subdivision of the state that employs him which exceeds the
maximums authorized by Section 25-3-91 et seq. shall be excluded
from the calculation of earned compensation under this article.
(vi) The maximum salary applicable for retirement purposes before July 1, 1992, shall be the salary of the Governor.

(vii) Nothing in Section 25-3-31 shall affect the determination of the earned compensation of any member for the purposes of this article.

(l) "Employee" means any person legally occupying a position in the state service, and shall include the employees of the retirement system created hereunder. The term "employee" shall not include any employee of a private entity which leases staff to a local school board to provide instructional services pursuant to Section 37-7-301(mm).

(m) "Employer" shall mean the State of Mississippi or any of its departments, agencies or subdivisions from which any employee receives his compensation.

(n) "Executive director" shall mean the secretary to the board of trustees, as provided in Section 25-11-15(9), and the administrator of the Public Employees' Retirement System and all systems under the management of the board of trustees. Wherever the term "Executive Secretary of the Public Employees' Retirement System" or "executive secretary" appears in this article or in any other provision of law, it shall be construed to mean the Executive Director of the Public Employees' Retirement System.

(o) "Fiscal year" shall mean the period beginning on July 1 of any year and ending on June 30 of the next succeeding year.

(p) "Medical board" shall mean the board of physicians or any governmental or nongovernmental disability determination service designated by the board of trustees that is qualified to make disability determinations as provided for in Section 25-11-119.

(q) "Member" shall mean any person included in the membership of the system as provided in Section 25-11-105.
(r) "Membership service" shall mean service as an employee rendered while a member of the retirement system.

(s) "Position" means any office or any employment in the state service, or two (2) or more of them, the duties of which call for services to be rendered by one (1) person, including positions jointly employed by federal and state agencies administering federal and state funds. The employer shall determine upon initial employment and during the course of employment of an employee who does not meet the criteria for coverage in the Public Employees' Retirement System based on the position held, whether the employee is or becomes eligible for coverage in the Public Employees' Retirement System based upon any other employment in a covered agency or political subdivision. If or when the employee meets the eligibility criteria for coverage in such other position, then the employer must withhold contributions and report wages from the noncovered position in accordance with the provisions for reporting of earned compensation. Failure to deduct and report those contributions shall not relieve the employee or employer of liability thereof. The board shall adopt such rules and regulations as necessary to implement and enforce this provision.

(t) "Prior service" shall mean service rendered before February 1, 1953, for which credit is allowable under Sections 25-11-105 and 25-11-109, and which shall allow prior service for any person who is now or becomes a member of the Public Employees' Retirement System and who does contribute to the system for a minimum period of four (4) years.

(u) "Regular interest" shall mean interest compounded annually at such a rate as shall be determined by the board in accordance with Section 25-11-121.

(v) "Retirement allowance" shall mean an annuity for life as provided in this article, payable each year in twelve (12) equal monthly installments beginning as of the date fixed by the board.
board. The retirement allowance shall be calculated in accordance with Section 25-11-111. However, any spouse who received a spouse retirement benefit in accordance with Section 25-11-111(d) before March 31, 1971, and those benefits were terminated because of eligibility for a social security benefit, may again receive his spouse retirement benefit from and after making application with the board of trustees to reinstate the spouse retirement benefit.

(w) "Retroactive service" shall mean service rendered after February 1, 1953, for which credit is allowable under Section 25-11-105(b) and Section 25-11-105(k).

(x) "System" shall mean the Public Employees' Retirement System of Mississippi established and described in Section 25-11-101.

(y) "State" shall mean the State of Mississippi or any political subdivision thereof or instrumentality thereof.

(z) "State service" shall mean all offices and positions of trust or employment in the employ of the state, or any political subdivision or instrumentality thereof, which elect to participate as provided by Section 25-11-105(f), including the position of elected or fee officials of the counties and their deputies and employees performing public services or any department, independent agency, board or commission thereof, and shall also include all offices and positions of trust or employment in the employ of joint state and federal agencies administering state and federal funds and service rendered by employees of the public schools. Effective July 1, 1973, all nonprofessional public school employees, such as bus drivers, janitors, maids, maintenance workers and cafeteria employees, shall have the option to become members in accordance with Section 25-11-105(b), and shall be eligible to receive credit for services before July 1, 1973, provided that the contributions and interest are paid by the employee in accordance with that section; in addition, the county or municipal separate school district may pay
the employer contribution and pro rata share of interest of the
retroactive service from available funds. From and after July 1,
1998, retroactive service credit shall be purchased at the
actuarial cost in accordance with Section 25-11-105(b).

(aa) "Withdrawal from service" or "termination from
service" shall mean complete severance of employment in the state
service of any member by resignation, dismissal or discharge.

(bb) The masculine pronoun, wherever used, shall
include the feminine pronoun.

SECTION 3. Section 25-11-127, Mississippi Code of 1972, is
amended as follows:

25-11-127. (1) (a) 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.

(b) No retiree of this retirement system who is
reemployed or is reelected to office after retirement shall
continue to draw retirement benefits while so reemployed, except
as provided in this section.

(c) No person employed or elected under the exceptions
provided for in this section shall become a member under Article 3
of the retirement system.

(2) Any person who has been retired under the provisions of
Article 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 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 the 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, office expense allowance,
mileage or travel expense authorized by any statute of the State
of Mississippi; or

(b) Elects to receive compensation for that elective
office in an amount not to exceed twenty-five percent (25%) of the
retiree's average compensation. As used in this paragraph, the
term "compensation" shall not include office expense allowance,
mileage or travel expense authorized by a statute of the State of
Mississippi. In order to receive compensation as allowed in this
paragraph, the member shall file annually, in writing, in the
office of the employer and the office of the executive director of
the system, an election to receive, in addition to a retirement
allowance, compensation as allowed in this paragraph.

(6) This section shall not apply to any employee of a
private entity which leases staff to local school boards to
provide instructional services as authorized in Section
37-7-301(mm).

SECTION 4. This act shall take effect and be in force from
and after July 1, 2003.