

By: Representatives Bentz, Janus

To: Appropriations

HOUSE BILL NO. 1296

1 AN ACT TO AMEND SECTION 25-11-127, MISSISSIPPI CODE OF 1972,  
2 TO INCREASE THE MAXIMUM AMOUNT OF COMPENSATION THAT RETIRED  
3 MEMBERS OF THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM WHO ARE  
4 MUNICIPAL OR COUNTY ELECTED OFFICIALS OR WHO ARE ELECTED TO  
5 MUNICIPAL OR COUNTY OFFICE AFTER RETIREMENT MAY RECEIVE FOR THAT  
6 OFFICE FROM 25% OF THE RETIREE'S AVERAGE COMPENSATION TO 50% OF  
7 THE RETIREE'S AVERAGE COMPENSATION; AND FOR RELATED PURPOSES.

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

9 **SECTION 1.** Section 25-11-127, Mississippi Code of 1972, is  
10 amended as follows:

11 25-11-127. (1) (a) No person who is being paid a  
12 retirement allowance or a pension after retirement under this  
13 article shall be employed or paid for any service by the State of  
14 Mississippi, except as provided in this section.

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

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

22 (2) Any person who has been retired under the provisions of  
23 Article 3 and who is later reemployed in service covered by this  
24 article shall cease to receive benefits under this article and  
25 shall again become a contributing member of the retirement system.  
26 When the person retires again, if the reemployment exceeds six (6)  
27 months, the person shall have his or her benefit recomputed,  
28 including service after again becoming a member, provided that the  
29 total retirement allowance paid to the retired member in his or

30 her previous retirement shall be deducted from the member's  
31 retirement reserve and taken into consideration in recalculating  
32 the retirement allowance under a new option selected.

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

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

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

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

46 To determine the normal working days for a position under  
47 paragraph (a) of this subsection, the employer shall determine the  
48 required number of working days for the position on a full-time  
49 basis and the equivalent number of hours representing the  
50 full-time position. The retiree then may work up to one-half  
51 (1/2) of the required number of working days or up to one-half  
52 (1/2) of the equivalent number of hours and receive up to one-half  
53 (1/2) of the salary for the position. In the case of employment  
54 with multiple employers, the limitation shall equal one-half (1/2)  
55 of the number of days or hours for a single full-time position.

56 Notice shall be given in writing to the executive director,  
57 setting forth the facts upon which the employment is being made,  
58 and the notice shall be given within five (5) days from the date  
59 of employment and also from the date of termination of the  
60 employment.

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

64 (a) Files annually, in writing, in the office of the  
65 employer and the office of the executive director of the system  
66 before the person takes office or as soon as possible after  
67 retirement, a waiver of all salary or compensation and elects to  
68 receive in lieu of that salary or compensation a retirement  
69 allowance as provided in this section, in which event no salary or  
70 compensation shall thereafter be due or payable for those  
71 services; however, any such officer or employee may receive, in  
72 addition to the retirement allowance, office expense allowance,  
73 mileage or travel expense authorized by any statute of the State  
74 of Mississippi; or

75 (b) Elects to receive compensation for that elective  
76 office in an amount not to exceed fifty percent (50%) of the  
77 retiree's average compensation. As used in this paragraph, the  
78 term "compensation" shall not include office expense allowance,  
79 mileage or travel expense authorized by a statute of the State of  
80 Mississippi. In order to receive compensation as allowed in this  
81 paragraph, the member shall file annually, in writing, in the  
82 office of the employer and the office of the executive director of  
83 the system, an election to receive, in addition to a retirement  
84 allowance, compensation as allowed in this paragraph.

85 **SECTION 2.** This act shall take effect and be in force from  
86 and after July 1, 2004.