

By: Senator(s) Posey, Dearing

To: Finance

SENATE BILL NO. 2867

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

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

7 **SECTION 1.** The following provision shall be codified as

8 Section 41-29-30, Mississippi Code of 1972:

9 41-29-30. (1) The Legislature finds and declares that a
10 compelling state interest exists in providing a retirement
11 incentive program or encouraging the retirement of conservation
12 officers assigned to the Law Enforcement Division who are current
13 and active contributing members of the Public Employees'
14 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 assigned to the Law Enforcement Division who
20 are eligible for retirement in exchange for a voluntary agreement
21 of such conservation officer:

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

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

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

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

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

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

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

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

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

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

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

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

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

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