

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.