

By: Representative Banks

To: Appropriations

HOUSE BILL NO. 636

1 AN ACT TO CREATE NEW SECTION 25-11-126, MISSISSIPPI CODE OF  
 2 1972, TO PROVIDE THAT CERTAIN PERSONS WHO ARE RECEIVING A  
 3 RETIREMENT ALLOWANCE FROM THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM  
 4 WHO ARE ELECTED AS A MEMBER OF THE LEGISLATURE AFTER RETIREMENT,  
 5 AND CERTAIN MEMBERS OF THE LEGISLATURE WHO ARE ELIGIBLE TO RECEIVE  
 6 A RETIREMENT ALLOWANCE FROM THE PUBLIC EMPLOYEES' RETIREMENT  
 7 SYSTEM WHILE SERVING AS A MEMBER OF THE LEGISLATURE, MAY RECEIVE A  
 8 RETIREMENT ALLOWANCE FROM THE SYSTEM WHILE SERVING AS A MEMBER OF  
 9 THE LEGISLATURE IN ADDITION TO RECEIVING THE REGULAR COMPENSATION  
 10 FOR MEMBERS OF THE LEGISLATURE; TO PROVIDE THAT THOSE PERSONS  
 11 SHALL NOT BE ACTIVE MEMBERS OF THE RETIREMENT SYSTEM AND SHALL NOT  
 12 RECEIVE ANY CREDITABLE SERVICE FOR THE PERIOD DURING WHICH THEY  
 13 RECEIVE A RETIREMENT ALLOWANCE WHILE SERVING AS A MEMBER OF THE  
 14 LEGISLATURE; TO AMEND SECTIONS 25-11-105 AND 25-11-127,  
 15 MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE PROVISIONS OF THIS  
 16 ACT; AND FOR RELATED PURPOSES.

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

18 **SECTION 1.** The following shall be codified as Section  
 19 25-11-126, Mississippi Code of 1972:

20 25-11-126. (1) (a) Any person who has twenty-five (25) or  
 21 more years of creditable service and is not less than seventy (70)  
 22 years of age, who is receiving a retirement allowance under this  
 23 article and who is elected as a member of the Legislature after  
 24 retirement, may choose to continue to receive a retirement  
 25 allowance under this article while serving as a member of the



26 Legislature in addition to receiving the regular compensation for  
27 members of the Legislature in the manner provided in this section.

28 (b) Any member of the Legislature who has twenty-five  
29 (25) or more years of creditable service and is not less than  
30 seventy (70) years of age may choose to receive a retirement  
31 allowance under this article while serving as a member of the  
32 Legislature in addition to receiving the regular compensation for  
33 members of the Legislature in the manner provided in this section.

34 (2) Any person who is eligible to receive a retirement  
35 allowance under subsection (1) (a) of this section shall notify the  
36 executive director of the system before taking office as a member  
37 of the Legislature of his or her choice about continuing to  
38 receive the retirement allowance while serving as a member of the  
39 Legislature. If the person chooses not to continue receiving the  
40 retirement allowance while serving as a member of the Legislature,  
41 the retirement allowance shall cease on the day that he or she  
42 begins serving as a member of the Legislature. After the person  
43 is no longer serving as a member of the Legislature, in order to  
44 begin receiving a retirement allowance under this article again,  
45 the person shall make application to the executive director of the  
46 system, and the retirement allowance shall begin on the first of  
47 the month following the date that the application is received by  
48 the executive director.

49 (3) Any member of the Legislature who is eligible to receive  
50 a retirement allowance under subsection (1) (b) of this section and



51 who chooses to receive a retirement allowance while serving as a  
52 member of the Legislature shall make application to the executive  
53 director of the system, and the retirement allowance shall begin  
54 on the first of the month following the date that the application  
55 is received by the executive director. The member of the  
56 Legislature shall not be required to withdraw from service in  
57 order to receive the retirement allowance.

58 (4) Any person to whom this section applies who receives or  
59 continues to receive a retirement allowance under this article  
60 while serving as a member of the Legislature shall not be an  
61 active member of the retirement system and shall not receive any  
62 creditable service for the period during which he or she receives  
63 a retirement allowance while serving as a member of the  
64 Legislature.

65 (5) Any person to whom this section applies who chooses not  
66 to receive a retirement allowance while serving as a member of the  
67 Legislature shall be an active and contributing member of the  
68 retirement system and shall receive creditable service for the  
69 period during which he or she serves as a member of the  
70 Legislature without receiving a retirement allowance. If the  
71 person has previously received a retirement allowance under this  
72 article and serves as a member of the Legislature for more than  
73 six (6) months without receiving a retirement allowance, the  
74 person shall have his or her allowance recomputed when he or she



75 retires again, which shall include the service after he or she  
76 again became a contributing member of the retirement system.

77 **SECTION 2.** Section 25-11-105, Mississippi Code of 1972, is  
78 amended as follows:

79 25-11-105. **I. THOSE WHO ARE ELIGIBLE FOR MEMBERSHIP**

80 The membership of this retirement system shall be composed as  
81 follows:

82 (a) (i) All persons who become employees in the state  
83 service after January 31, 1953, and whose wages are subject to  
84 payroll taxes and are lawfully reported on IRS Form W-2, except  
85 those who are specifically excluded, \* \* \* those as to whom  
86 election is provided in Articles 1 and 3, and those persons who  
87 choose to receive or continue to receive a retirement allowance  
88 while serving as a member of the Legislature as authorized by  
89 Section 25-11-126, shall become members of the retirement system  
90 as a condition of their employment.

91 (ii) From and after July 1, 2002, any individual  
92 who is employed by a governmental entity to perform professional  
93 services shall become a member of the system if the individual is  
94 paid regular periodic compensation for those services that is  
95 subject to payroll taxes, is provided all other employee benefits  
96 and meets the membership criteria established by the regulations  
97 adopted by the board of trustees that apply to all other members  
98 of the system; however, any active member employed in such a



99 position on July 1, 2002, will continue to be an active member for  
100 as long as they are employed in any such position.

101 (b) All persons who become employees in the state  
102 service after January 31, 1953, except those specifically excluded  
103 or as to whom election is provided in Articles 1 and 3, unless  
104 they file with the board before the lapse of sixty (60) days of  
105 employment or sixty (60) days after the effective date of the  
106 cited articles, whichever is later, on a form prescribed by the  
107 board, a notice of election not to be covered by the membership of  
108 the retirement system and a duly executed waiver of all present  
109 and prospective benefits that would otherwise inure to them on  
110 account of their participation in the system, shall become members  
111 of the retirement system; however, no credit for prior service  
112 will be granted to members who became members of the system before  
113 July 1, 2007, until they have contributed to Article 3 of the  
114 retirement system for a minimum period of at least four (4) years,  
115 or to members who became members of the system on or after July 1,  
116 2007, until they have contributed to Article 3 of the retirement  
117 system for a minimum period of at least eight (8) years. Those  
118 members shall receive credit for services performed before January  
119 1, 1953, in employment now covered by Article 3, but no credit  
120 shall be granted for retroactive services between January 1, 1953,  
121 and the date of their entry into the retirement system, unless the  
122 employee pays into the retirement system both the employer's and  
123 the employee's contributions on wages paid him during the period



124 from January 31, 1953, to the date of his becoming a contributing  
125 member, together with interest at the rate determined by the board  
126 of trustees. Members reentering after withdrawal from service  
127 shall qualify for prior service under the provisions of Section  
128 25-11-117. From and after July 1, 1998, upon eligibility as noted  
129 above, the member may receive credit for such retroactive service  
130 provided:

131 (i) The member shall furnish proof satisfactory to  
132 the board of trustees of certification of that service from the  
133 covered employer where the services were performed; and

134 (ii) The member shall pay to the retirement system  
135 on the date he or she is eligible for that credit or at any time  
136 thereafter before the date of retirement the actuarial cost for  
137 each year of that creditable service. The provisions of this  
138 subparagraph (ii) shall be subject to the limitations of Section  
139 415 of the Internal Revenue Code and regulations promulgated under  
140 Section 415.

141 Nothing contained in this paragraph (b) shall be construed to  
142 limit the authority of the board to allow the correction of  
143 reporting errors or omissions based on the payment of the employee  
144 and employer contributions plus applicable interest.

145 (c) All persons who become employees in the state  
146 service after January 31, 1953, and who are eligible for  
147 membership in any other retirement system shall become members of  
148 this retirement system as a condition of their employment, unless



149 they elect at the time of their employment to become a member of  
150 that other system.

151 (d) All persons who are employees in the state service  
152 on January 31, 1953, and who are members of any nonfunded  
153 retirement system operated by the State of Mississippi, or any of  
154 its departments or agencies, shall become members of this system  
155 with prior service credit unless, before February 1, 1953, they  
156 file a written notice with the board of trustees that they do not  
157 elect to become members.

158 (e) All persons who are employees in the state service  
159 on January 31, 1953, and who under existing laws are members of  
160 any fund operated for the retirement of employees by the State of  
161 Mississippi, or any of its departments or agencies, shall not be  
162 entitled to membership in this retirement system unless, before  
163 February 1, 1953, any such person indicates by a notice filed with  
164 the board, on a form prescribed by the board, his individual  
165 election and choice to participate in this system, but no such  
166 person shall receive prior service credit unless he becomes a  
167 member on or before February 1, 1953.

168 (f) Each political subdivision of the state and each  
169 instrumentality of the state or a political subdivision, or both,  
170 is authorized to submit, for approval by the board of trustees, a  
171 plan for extending the benefits of this article to employees of  
172 any such political subdivision or instrumentality. Each such plan  
173 or any amendment to the plan for extending benefits thereof shall



174 be approved by the board of trustees if it finds that the plan, or  
175 the plan as amended, is in conformity with such requirements as  
176 are provided in Articles 1 and 3; however, upon approval of the  
177 plan or any such plan previously approved by the board of  
178 trustees, the approved plan shall not be subject to cancellation  
179 or termination by the political subdivision or instrumentality.  
180 No such plan shall be approved unless:

181           (i) It provides that all services that constitute  
182 employment as defined in Section 25-11-5 and are performed in the  
183 employ of the political subdivision or instrumentality, by any  
184 employees thereof, shall be covered by the plan, with the  
185 exception of municipal employees who are already covered by  
186 existing retirement plans; however, those employees in this class  
187 may elect to come under the provisions of this article;

188           (ii) It specifies the source or sources from which  
189 the funds necessary to make the payments required by paragraph (d)  
190 of Section 25-11-123 and of paragraph (f)(v)2 and 3 of this  
191 section are expected to be derived and contains reasonable  
192 assurance that those sources will be adequate for that purpose;

193           (iii) It provides for such methods of  
194 administration of the plan by the political subdivision or  
195 instrumentality as are found by the board of trustees to be  
196 necessary for the proper and efficient administration thereof;

197           (iv) It provides that the political subdivision or  
198 instrumentality will make such reports, in such form and





199 containing such information, as the board of trustees may from  
200 time to time require;

201 (v) It authorizes the board of trustees to  
202 terminate the plan in its entirety in the discretion of the board  
203 if it finds that there has been a failure to comply substantially  
204 with any provision contained in the plan, the termination to take  
205 effect at the expiration of such notice and on such conditions as  
206 may be provided by regulations of the board and as may be  
207 consistent with applicable federal law.

208 1. The board of trustees shall not finally  
209 refuse to approve a plan submitted under paragraph (f), and shall  
210 not terminate an approved plan without reasonable notice and  
211 opportunity for hearing to each political subdivision or  
212 instrumentality affected by the board's decision. The board's  
213 decision in any such case shall be final, conclusive and binding  
214 unless an appeal is taken by the political subdivision or  
215 instrumentality aggrieved by the decision to the Circuit Court of  
216 the First Judicial District of Hinds County, Mississippi, in  
217 accordance with the provisions of law with respect to civil causes  
218 by certiorari.

219 2. Each political subdivision or  
220 instrumentality as to which a plan has been approved under this  
221 section shall pay into the contribution fund, with respect to  
222 wages (as defined in Section 25-11-5), at such time or times as  
223 the board of trustees may by regulation prescribe, contributions



224 in the amounts and at the rates specified in the applicable  
225 agreement entered into by the board.

226                   3. Every political subdivision or  
227 instrumentality required to make payments under paragraph (f)(v)2  
228 of this section is authorized, in consideration of the employees'  
229 retention in or entry upon employment after enactment of Articles  
230 1 and 3, to impose upon its employees, as to services that are  
231 covered by an approved plan, a contribution with respect to wages  
232 (as defined in Section 25-11-5) not exceeding the amount provided  
233 in Section 25-11-123(d) if those services constituted employment  
234 within the meaning of Articles 1 and 3, and to deduct the amount  
235 of the contribution from the wages as and when paid.  
236 Contributions so collected shall be paid into the contribution  
237 fund as partial discharge of the liability of the political  
238 subdivisions or instrumentalities under paragraph (f)(v)2 of this  
239 section. Failure to deduct the contribution shall not relieve the  
240 employee or employer of liability for the contribution.

241                   4. Any state agency, school, political  
242 subdivision, instrumentality or any employer that is required to  
243 submit contribution payments or wage reports under any section of  
244 this chapter shall be assessed interest on delinquent payments or  
245 wage reports as determined by the board of trustees in accordance  
246 with rules and regulations adopted by the board and delinquent  
247 payments, assessed interest and any other amount certified by the  
248 board as owed by an employer, may be recovered by action in a



249 court of competent jurisdiction against the reporting agency  
250 liable therefor or may, upon due certification of delinquency and  
251 at the request of the board of trustees, be deducted from any  
252 other monies payable to the reporting agency by any department or  
253 agency of the state.

254                   5. Each political subdivision of the state  
255 and each instrumentality of the state or a political subdivision  
256 or subdivisions that submit a plan for approval of the board, as  
257 provided in this section, shall reimburse the board for coverage  
258 into the expense account, its pro rata share of the total expense  
259 of administering Articles 1 and 3 as provided by regulations of  
260 the board.

261                   (g) The board may, in its discretion, deny the right of  
262 membership in this system to any class of employees whose  
263 compensation is only partly paid by the state or who are occupying  
264 positions on a part-time or intermittent basis. The board may, in  
265 its discretion, make optional with employees in any such classes  
266 their individual entrance into this system.

267                   (h) An employee whose membership in this system is  
268 contingent on his own election, and who elects not to become a  
269 member, may thereafter apply for and be admitted to membership;  
270 but no such employee shall receive prior service credit unless he  
271 becomes a member before July 1, 1953, except as provided in  
272 paragraph (b).



273 (i) If any member of this system changes his employment  
274 to any agency of the state having an actuarially funded retirement  
275 system, the board of trustees may authorize the transfer of the  
276 member's creditable service and of the present value of the  
277 member's employer's accumulation account and of the present value  
278 of the member's accumulated membership contributions to that other  
279 system, provided that the employee agrees to the transfer of his  
280 accumulated membership contributions and provided that the other  
281 system is authorized to receive and agrees to make the transfer.

282 If any member of any other actuarially funded system  
283 maintained by an agency of the state changes his employment to an  
284 agency covered by this system, the board of trustees may authorize  
285 the receipt of the transfer of the member's creditable service and  
286 of the present value of the member's employer's accumulation  
287 account and of the present value of the member's accumulated  
288 membership contributions from the other system, provided that the  
289 employee agrees to the transfer of his accumulated membership  
290 contributions to this system and provided that the other system is  
291 authorized and agrees to make the transfer.

292 (j) Wherever state employment is referred to in this  
293 section, it includes joint employment by state and federal  
294 agencies of all kinds.

295 (k) Employees of a political subdivision or  
296 instrumentality who were employed by the political subdivision or  
297 instrumentality before an agreement between the entity and the



298 Public Employees' Retirement System to extend the benefits of this  
299 article to its employees, and which agreement provides for the  
300 establishment of retroactive service credit, and who became  
301 members of the retirement system before July 1, 2007, and have  
302 remained contributors to the retirement system for four (4) years,  
303 or who became members of the retirement system on or after July 1,  
304 2007, and have remained contributors to the retirement system for  
305 eight (8) years, may receive credit for that retroactive service  
306 with the political subdivision or instrumentality, provided that  
307 the employee and/or employer, as provided under the terms of the  
308 modification of the joinder agreement in allowing that coverage,  
309 pay into the retirement system the employer's and employee's  
310 contributions on wages paid the member during the previous  
311 employment, together with interest or actuarial cost as determined  
312 by the board covering the period from the date the service was  
313 rendered until the payment for the credit for the service was  
314 made. Those wages shall be verified by the Social Security  
315 Administration or employer payroll records. Effective July 1,  
316 1998, upon eligibility as noted above, a member may receive credit  
317 for that retroactive service with the political subdivision or  
318 instrumentality provided:

319 (i) The member shall furnish proof satisfactory to  
320 the board of trustees of certification of those services from the  
321 political subdivision or instrumentality where the services were



322 rendered or verification by the Social Security Administration;  
323 and

324 (ii) The member shall pay to the retirement system  
325 on the date he or she is eligible for that credit or at any time  
326 thereafter before the date of retirement the actuarial cost for  
327 each year of that creditable service. The provisions of this  
328 subparagraph (ii) shall be subject to the limitations of Section  
329 415 of the Internal Revenue Code and regulations promulgated under  
330 Section 415.

331 Nothing contained in this paragraph (k) shall be construed to  
332 limit the authority of the board to allow the correction of  
333 reporting errors or omissions based on the payment of employee and  
334 employer contributions plus applicable interest. Payment for that  
335 time shall be made beginning with the most recent service. Upon  
336 the payment of all or part of the required contributions, plus  
337 interest or the actuarial cost as provided above, the member shall  
338 receive credit for the period of creditable service for which full  
339 payment has been made to the retirement system.

340 (1) Through June 30, 1998, any state service eligible  
341 for retroactive service credit, no part of which has ever been  
342 reported, and requiring the payment of employee and employer  
343 contributions plus interest, or, from and after July 1, 1998, any  
344 state service eligible for retroactive service credit, no part of  
345 which has ever been reported to the retirement system, and  
346 requiring the payment of the actuarial cost for that creditable



347 service, may, at the member's option, be purchased in quarterly  
348 increments as provided above at the time that its purchase is  
349 otherwise allowed.

350 (m) All rights to purchase retroactive service credit  
351 or repay a refund as provided in Section 25-11-101 et seq. shall  
352 terminate upon retirement.

353 **II. THOSE WHO ARE NOT ELIGIBLE FOR MEMBERSHIP**

354 The following classes of employees and officers shall not  
355 become members of this retirement system, any other provisions of  
356 Articles 1 and 3 to the contrary notwithstanding:

357 (a) Patient or inmate help in state charitable, penal  
358 or correctional institutions;

359 (b) Students of any state educational institution  
360 employed by any agency of the state for temporary, part-time or  
361 intermittent work;

362 (c) Participants of Comprehensive Employment and  
363 Training Act of 1973 (CETA) being Public Law 93-203, who enroll on  
364 or after July 1, 1979;

365 (d) From and after July 1, 2002, individuals who are  
366 employed by a governmental entity to perform professional service  
367 on less than a full-time basis who do not meet the criteria  
368 established in I(a)(ii) of this section.

369 **III. TERMINATION OF MEMBERSHIP**

370 Membership in this system shall cease by a member withdrawing  
371 his accumulated contributions, or by a member withdrawing from



372 active service with a retirement allowance, or by a member's  
373 death.

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

376 25-11-127. (1) (a) No person who is being paid a  
377 retirement allowance or a pension after retirement under this  
378 article shall be employed or paid for any service by the State of  
379 Mississippi, including services as an employee, contract worker,  
380 contractual employee or independent contractor, until the retired  
381 person has been retired for not less than ninety (90) consecutive  
382 days from his or her effective date of retirement. After the  
383 person has been retired for not less than ninety (90) consecutive  
384 days from his or her effective date of retirement or such later  
385 date as established by the board, he or she may be reemployed  
386 while being paid a retirement allowance under the terms and  
387 conditions provided in this section. The restrictions on  
388 employment after retirement in this subsection shall not apply to  
389 persons who are eligible to receive a retirement allowance under  
390 this article while serving as a member of the Legislature and who  
391 choose to receive the retirement allowance while serving as a  
392 member of the Legislature as authorized by Section 25-11-126.

393 (b) No retiree of this retirement system who is  
394 reemployed or is reelected to office after retirement shall  
395 continue to draw retirement benefits while so reemployed, except  
396 as provided in this section or in Section 25-11-126.





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

400 (2) Any person who has been retired under the provisions of  
401 Article 3 and who is later reemployed in service covered by this  
402 article shall cease to receive benefits under this article unless  
403 the person continues to receive a retirement allowance while  
404 serving as a member of the Legislature under the authority of  
405 Section 25-11-126, and the person shall again become a  
406 contributing member of the retirement system. When the person  
407 retires again, if that person has been a contributing member of  
408 the retirement system during reemployment and the reemployment  
409 exceeds six (6) months, the person shall have his or her benefit  
410 recomputed, including service after again becoming a member,  
411 provided that the total retirement allowance paid to the retired  
412 member in his or her previous retirement shall be deducted from  
413 the member's retirement reserve and taken into consideration in  
414 recalculating the retirement allowance under a new option  
415 selected.

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

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



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

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

429 To determine the normal working days for a position under  
430 paragraph (a) of this subsection, the employer shall determine the  
431 required number of working days for the position on a full-time  
432 basis and the equivalent number of hours representing the  
433 full-time position. The retiree then may work up to one-half  
434 (1/2) of the required number of working days or up to one-half  
435 (1/2) of the equivalent number of hours and receive up to one-half  
436 (1/2) of the salary for the position. In the case of employment  
437 with multiple employers, the limitation shall equal one-half (1/2)  
438 of the number of days or hours for a single full-time position.

439 Notice shall be given in writing to the executive director,  
440 setting forth the facts upon which the employment is being made,  
441 and the notice shall be given within five (5) days from the date  
442 of employment and also from the date of termination of the  
443 employment.

444 The restrictions on employment after retirement in this  
445 subsection shall not apply to persons who choose to receive or



446 continue to receive a retirement allowance under this article  
447 while serving as a member of the Legislature as authorized by  
448 Section 25-11-126.

449 (5) Except as otherwise provided in subsection (6) of this  
450 section, the employer of any person who is receiving a retirement  
451 allowance and who is employed in service covered by subsection (4)  
452 of this section as an employee or a contractual employee, and the  
453 employer of any person who chooses to receive or continue to  
454 receive a retirement allowance under this article while serving as  
455 a member of the Legislature as authorized by Section 25-11-126,  
456 shall pay to the board the full amount of the employer's  
457 contribution on the amount of compensation received by the retiree  
458 for his or her employment in accordance with regulations  
459 prescribed by the board. The retiree shall not receive any  
460 additional creditable service in the retirement system as a result  
461 of the payment of the employer's contribution. This subsection  
462 does not apply to persons who are receiving a retirement allowance  
463 and who contract with an employer to provide services as a true  
464 independent contractor, as defined by the board through  
465 regulation.

466 (6) (a) A member may retire and continue in municipal or  
467 county elective office provided that the member has reached the  
468 age and/or service requirement that will not result in a  
469 prohibited in-service distribution as defined by the Internal



470 Revenue Service, or a retiree may be elected to a municipal or  
471 county office, provided that the person:

472 (i) Files annually, in writing, in the office of  
473 the employer and the office of the executive director of the  
474 system before the person takes office or as soon as possible after  
475 retirement, a waiver of all salary or compensation and elects to  
476 receive in lieu of that salary or compensation a retirement  
477 allowance as provided in this section, in which event no salary or  
478 compensation shall thereafter be due or payable for those  
479 services; however, any such officer or employee may receive, in  
480 addition to the retirement allowance, office expense allowance,  
481 mileage or travel expense authorized by any statute of the State  
482 of Mississippi; or

483 (ii) Elects to receive compensation for that  
484 elective office in an amount not to exceed twenty-five percent  
485 (25%) of the retiree's average compensation. In order to receive  
486 compensation as allowed in this subparagraph, the retiree shall  
487 file annually, in writing, in the office of the employer and the  
488 office of the executive director of the system, an election to  
489 receive, in addition to a retirement allowance, compensation as  
490 allowed in this subparagraph.

491 (b) The municipality or county in which the retired  
492 person holds elective office shall pay to the board the amount of  
493 the employer's contributions on the full amount of the regular



494 compensation for the elective office that the retired person  
495 holds.

496 (c) As used in this subsection, the term "compensation"  
497 does not include office expense allowance, mileage or travel  
498 expense authorized by a statute of the State of Mississippi.

499 **SECTION 4.** This act shall take effect and be in force from  
500 and after July 1, 2018.

