

By: Representative Wilson

To: Appropriations

HOUSE BILL NO. 1276

1 AN ACT TO AMEND SECTION 25-11-127, MISSISSIPPI CODE OF 1972,
 2 TO AUTHORIZE MEMBERS OF THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM TO
 3 RETIRE AND CONTINUE IN THE OFFICE OF MUNICIPAL ALDERMAN,
 4 COUNCILMAN OR SELECTMAN, OR TO BE ELECTED TO THE OFFICE OF THE
 5 OFFICE OF MUNICIPAL ALDERMAN, COUNCILMAN OR SELECTMAN, AND CHOOSE
 6 TO RECEIVE COMPENSATION FOR THAT OFFICE OF UP TO 50% OF THE
 7 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, including services as an employee, contract worker,
 15 contractual employee or independent contractor, until the retired
 16 person has been retired for not less than ninety (90) consecutive
 17 days from his or her effective date of retirement. After the
 18 person has been retired for not less than ninety (90) consecutive
 19 days from his or her effective date of retirement or such later
 20 date as established by the board, he or she may be reemployed



21 while being paid a retirement allowance under the terms and
22 conditions provided in this section.

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

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

30 (2) Any person who has been retired under the provisions of
31 Article 3 and who is later reemployed in service covered by this
32 article shall cease to receive benefits under this article and
33 shall again become a contributing member of the retirement system.
34 When the person retires again, if the reemployment exceeds six (6)
35 months, the person shall have his or her benefit recomputed,
36 including service after again becoming a member, provided that the
37 total retirement allowance paid to the retired member in his or
38 her previous retirement shall be deducted from the member's
39 retirement reserve and taken into consideration in recalculating
40 the retirement allowance under a new option selected.

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

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



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

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

54 To determine the normal working days for a position under
55 paragraph (a) of this subsection, the employer shall determine the
56 required number of working days for the position on a full-time
57 basis and the equivalent number of hours representing the
58 full-time position. The retiree then may work up to one-half
59 (1/2) of the required number of working days or up to one-half
60 (1/2) of the equivalent number of hours and receive up to one-half
61 (1/2) of the salary for the position. In the case of employment
62 with multiple employers, the limitation shall equal one-half (1/2)
63 of the number of days or hours for a single full-time position.

64 Notice shall be given in writing to the executive director,
65 setting forth the facts upon which the employment is being made,
66 and the notice shall be given within five (5) days from the date
67 of employment and also from the date of termination of the
68 employment.

69 (5) Except as otherwise provided in subsection (6) of this
70 section, the employer of any person who is receiving a retirement



71 allowance and who is employed in service covered by subsection (4)
72 of this section as an employee or a contractual employee shall pay
73 to the board the full amount of the employer's contribution on the
74 amount of compensation received by the retiree for his or her
75 employment in accordance with regulations prescribed by the board.
76 The retiree shall not receive any additional creditable service in
77 the retirement system as a result of the payment of the employer's
78 contribution. This subsection does not apply to persons who are
79 receiving a retirement allowance and who contract with an employer
80 to provide services as a true independent contractor, as defined
81 by the board through regulation.

82 (6) (a) A member may retire and continue in municipal or
83 county elective office provided that the member has reached the
84 age and/or service requirement that will not result in a
85 prohibited in-service distribution as defined by the Internal
86 Revenue Service, or a retiree may be elected to a municipal or
87 county office, provided that the person:

88 (i) Files annually, in writing, in the office of
89 the employer and the office of the executive director of the
90 system before the person takes office or as soon as possible after
91 retirement, a waiver of all salary or compensation and elects to
92 receive in lieu of that salary or compensation a retirement
93 allowance as provided in this section, in which event no salary or
94 compensation shall thereafter be due or payable for those
95 services; however, any such officer or employee may receive, in



96 addition to the retirement allowance, office expense allowance,
97 mileage or travel expense authorized by any statute of the State
98 of Mississippi; or

99 (ii) Elects to receive compensation for that
100 elective office in an amount not to exceed twenty-five percent
101 (25%) of the retiree's average compensation. In order to receive
102 compensation as allowed in this subparagraph, the retiree shall
103 file annually, in writing, in the office of the employer and the
104 office of the executive director of the system, an election to
105 receive, in addition to a retirement allowance, compensation as
106 allowed in this subparagraph * * *; or

107 (iii) For persons who are serving in or elected to
108 the office of municipal alderman, councilman or selectman, elects
109 to receive compensation for that office in an amount not to exceed
110 fifty percent (50%) of the retiree's average compensation. In
111 order to receive compensation as allowed in this subparagraph, the
112 retiree shall file annually, in writing, in the office of the
113 employer and the office of the executive director of the system,
114 an election to receive, in addition to a retirement allowance,
115 compensation as allowed in this subparagraph.

116 (b) The municipality or county in which the retired
117 person holds elective office shall pay to the board the amount of
118 the employer's contributions on the full amount of the regular
119 compensation for the elective office that the retired person
120 holds.



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

124 **SECTION 2.** This act shall take effect and be in force from
125 and after July 1, 2018.

