

By: Representatives Darnell, Goodin, Tubb,  
Hale

To: Appropriations

HOUSE BILL NO. 847

1 AN ACT TO AMEND SECTION 25-11-127, MISSISSIPPI CODE OF 1972,  
2 TO AUTHORIZE CERTAIN MEMBERS OF THE PUBLIC EMPLOYEES' RETIREMENT  
3 SYSTEM TO RETIRE AND CONTINUE AS A MEMBER OF THE LEGISLATURE, AND  
4 AUTHORIZE RETIRED MEMBERS OF THE RETIREMENT SYSTEM TO BE ELECTED  
5 AS A MEMBER OF THE LEGISLATURE, IN THE SAME MANNER AS AUTHORIZED  
6 FOR PERSONS IN ELECTED COUNTY OR MUNICIPAL OFFICES; TO AMEND  
7 SECTIONS 25-11-105, 25-11-305, 5-1-41 AND 5-1-47, MISSISSIPPI CODE  
8 OF 1972, IN CONFORMITY TO THE PROVISIONS OF THIS ACT; AND FOR  
9 RELATED PURPOSES.

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

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

13 25-11-127. (1) (a) No person who is being paid a  
14 retirement allowance or a pension after retirement under this  
15 article shall be employed or paid for any service by the State of  
16 Mississippi, including services as an employee, contract worker,  
17 contractual employee or independent contractor, until the retired  
18 person has been retired for not less than ninety (90) consecutive  
19 days from his or her effective date of retirement. After the  
20 person has been retired for not less than ninety (90) consecutive  
21 days from his or her effective date of retirement or such later



22 date as established by the board, he or she may be reemployed  
23 while being paid a retirement allowance under the terms and  
24 conditions provided in this section.

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

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

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

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



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

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

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

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

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



69 of employment and also from the date of termination of the  
70 employment.

71 (5) Except as otherwise provided in subsection (6) of this  
72 section, the employer of any person who is receiving a retirement  
73 allowance and who is employed in service covered by subsection (4)  
74 of this section as an employee or a contractual employee shall pay  
75 to the board the full amount of the employer's contribution on the  
76 amount of compensation received by the retiree for his or her  
77 employment in accordance with regulations prescribed by the board.  
78 The retiree shall not receive any additional creditable service in  
79 the retirement system as a result of the payment of the employer's  
80 contribution. This subsection does not apply to persons who are  
81 receiving a retirement allowance and who contract with an employer  
82 to provide services as a true independent contractor, as defined  
83 by the board through regulation.

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

91 (i) Files annually, in writing, in the office of  
92 the employer and the office of the executive director of the  
93 system before the person takes office or as soon as possible after



94 retirement, a waiver of all salary or compensation and elects to  
95 receive in lieu of that salary or compensation a retirement  
96 allowance as provided in this section, in which event no salary or  
97 compensation shall thereafter be due or payable for those  
98 services; however, any such officer \* \* \* may receive, in addition  
99 to the retirement allowance, office expense allowance, mileage or  
100 travel expense authorized by any statute of the State of  
101 Mississippi; or

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

110 (b) The municipality or county in which the retired  
111 person holds elective office or the house of the Legislature in  
112 which the retired person serves as a member shall pay to the board  
113 the amount of the employer's contributions on the full amount of  
114 the regular compensation for the elective office that the retired  
115 person holds.

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



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

121           25-11-105.   **I.   THOSE WHO ARE ELIGIBLE FOR MEMBERSHIP**

122           The membership of this retirement system shall be composed as  
123 follows:

124                   (a)   (i) All persons who become employees in the state  
125 service after January 31, 1953, and whose wages are subject to  
126 payroll taxes and are lawfully reported on IRS Form W-2, except  
127 those who are specifically excluded, \* \* \* those as to whom  
128 election is provided in Articles 1 and 3, and those persons who  
129 receive or continue to receive a retirement allowance while  
130 serving as a member of the Legislature as authorized by Section  
131 25-11-127(6), shall become members of the retirement system as a  
132 condition of their employment.

133                           (ii) From and after July 1, 2002, any individual  
134 who is employed by a governmental entity to perform professional  
135 services shall become a member of the system if the individual is  
136 paid regular periodic compensation for those services that is  
137 subject to payroll taxes, is provided all other employee benefits  
138 and meets the membership criteria established by the regulations  
139 adopted by the board of trustees that apply to all other members  
140 of the system; however, any active member employed in such a  
141 position on July 1, 2002, will continue to be an active member for  
142 as long as they are employed in any such position.



143 (b) All persons who become employees in the state  
144 service after January 31, 1953, except those specifically excluded  
145 or as to whom election is provided in Articles 1 and 3, unless  
146 they file with the board before the lapse of sixty (60) days of  
147 employment or sixty (60) days after the effective date of the  
148 cited articles, whichever is later, on a form prescribed by the  
149 board, a notice of election not to be covered by the membership of  
150 the retirement system and a duly executed waiver of all present  
151 and prospective benefits that would otherwise inure to them on  
152 account of their participation in the system, shall become members  
153 of the retirement system; however, no credit for prior service  
154 will be granted to members who became members of the system before  
155 July 1, 2007, until they have contributed to Article 3 of the  
156 retirement system for a minimum period of at least four (4) years,  
157 or to members who became members of the system on or after July 1,  
158 2007, until they have contributed to Article 3 of the retirement  
159 system for a minimum period of at least eight (8) years. Those  
160 members shall receive credit for services performed before January  
161 1, 1953, in employment now covered by Article 3, but no credit  
162 shall be granted for retroactive services between January 1, 1953,  
163 and the date of their entry into the retirement system, unless the  
164 employee pays into the retirement system both the employer's and  
165 the employee's contributions on wages paid him during the period  
166 from January 31, 1953, to the date of his becoming a contributing  
167 member, together with interest at the rate determined by the board



168 of trustees. Members reentering after withdrawal from service  
169 shall qualify for prior service under the provisions of Section  
170 25-11-117. From and after July 1, 1998, upon eligibility as noted  
171 above, the member may receive credit for such retroactive service  
172 provided:

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

176 (ii) The member shall pay to the retirement system  
177 on the date he or she is eligible for that credit or at any time  
178 thereafter before the date of retirement the actuarial cost for  
179 each year of that creditable service. The provisions of this  
180 subparagraph (ii) shall be subject to the limitations of Section  
181 415 of the Internal Revenue Code and regulations promulgated under  
182 Section 415.

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

187 (c) All persons who become employees in the state  
188 service after January 31, 1953, and who are eligible for  
189 membership in any other retirement system shall become members of  
190 this retirement system as a condition of their employment, unless  
191 they elect at the time of their employment to become a member of  
192 that other system.





193           (d) All persons who are employees in the state service  
194 on January 31, 1953, and who are members of any nonfunded  
195 retirement system operated by the State of Mississippi, or any of  
196 its departments or agencies, shall become members of this system  
197 with prior service credit unless, before February 1, 1953, they  
198 file a written notice with the board of trustees that they do not  
199 elect to become members.

200           (e) All persons who are employees in the state service  
201 on January 31, 1953, and who under existing laws are members of  
202 any fund operated for the retirement of employees by the State of  
203 Mississippi, or any of its departments or agencies, shall not be  
204 entitled to membership in this retirement system unless, before  
205 February 1, 1953, any such person indicates by a notice filed with  
206 the board, on a form prescribed by the board, his individual  
207 election and choice to participate in this system, but no such  
208 person shall receive prior service credit unless he becomes a  
209 member on or before February 1, 1953.

210           (f) Each political subdivision of the state and each  
211 instrumentality of the state or a political subdivision, or both,  
212 is authorized to submit, for approval by the board of trustees, a  
213 plan for extending the benefits of this article to employees of  
214 any such political subdivision or instrumentality. Each such plan  
215 or any amendment to the plan for extending benefits thereof shall  
216 be approved by the board of trustees if it finds that the plan, or  
217 the plan as amended, is in conformity with such requirements as



218 are provided in Articles 1 and 3; however, upon approval of the  
219 plan or any such plan previously approved by the board of  
220 trustees, the approved plan shall not be subject to cancellation  
221 or termination by the political subdivision or instrumentality.  
222 No such plan shall be approved unless:

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

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

235 (iii) It provides for such methods of  
236 administration of the plan by the political subdivision or  
237 instrumentality as are found by the board of trustees to be  
238 necessary for the proper and efficient administration thereof;

239 (iv) It provides that the political subdivision or  
240 instrumentality will make such reports, in such form and  
241 containing such information, as the board of trustees may from  
242 time to time require;



243 (v) It authorizes the board of trustees to  
244 terminate the plan in its entirety in the discretion of the board  
245 if it finds that there has been a failure to comply substantially  
246 with any provision contained in the plan, the termination to take  
247 effect at the expiration of such notice and on such conditions as  
248 may be provided by regulations of the board and as may be  
249 consistent with applicable federal law.

250 1. The board of trustees shall not finally  
251 refuse to approve a plan submitted under paragraph (f), and shall  
252 not terminate an approved plan without reasonable notice and  
253 opportunity for hearing to each political subdivision or  
254 instrumentality affected by the board's decision. The board's  
255 decision in any such case shall be final, conclusive and binding  
256 unless an appeal is taken by the political subdivision or  
257 instrumentality aggrieved by the decision to the Circuit Court of  
258 the First Judicial District of Hinds County, Mississippi, in  
259 accordance with the provisions of law with respect to civil causes  
260 by certiorari.

261 2. Each political subdivision or  
262 instrumentality as to which a plan has been approved under this  
263 section shall pay into the contribution fund, with respect to  
264 wages (as defined in Section 25-11-5), at such time or times as  
265 the board of trustees may by regulation prescribe, contributions  
266 in the amounts and at the rates specified in the applicable  
267 agreement entered into by the board.



268                           3. Every political subdivision or  
269 instrumentality required to make payments under paragraph (f)(v)2  
270 of this section is authorized, in consideration of the employees'  
271 retention in or entry upon employment after enactment of Articles  
272 1 and 3, to impose upon its employees, as to services that are  
273 covered by an approved plan, a contribution with respect to wages  
274 (as defined in Section 25-11-5) not exceeding the amount provided  
275 in Section 25-11-123(d) if those services constituted employment  
276 within the meaning of Articles 1 and 3, and to deduct the amount  
277 of the contribution from the wages as and when paid.

278 Contributions so collected shall be paid into the contribution  
279 fund as partial discharge of the liability of the political  
280 subdivisions or instrumentalities under paragraph (f)(v)2 of this  
281 section. Failure to deduct the contribution shall not relieve the  
282 employee or employer of liability for the contribution.

283                           4. Any state agency, school, political  
284 subdivision, instrumentality or any employer that is required to  
285 submit contribution payments or wage reports under any section of  
286 this chapter shall be assessed interest on delinquent payments or  
287 wage reports as determined by the board of trustees in accordance  
288 with rules and regulations adopted by the board and delinquent  
289 payments, assessed interest and any other amount certified by the  
290 board as owed by an employer, may be recovered by action in a  
291 court of competent jurisdiction against the reporting agency  
292 liable therefor or may, upon due certification of delinquency and



293 at the request of the board of trustees, be deducted from any  
294 other monies payable to the reporting agency by any department or  
295 agency of the state.

296           5. Each political subdivision of the state  
297 and each instrumentality of the state or a political subdivision  
298 or subdivisions that submit a plan for approval of the board, as  
299 provided in this section, shall reimburse the board for coverage  
300 into the expense account, its pro rata share of the total expense  
301 of administering Articles 1 and 3 as provided by regulations of  
302 the board.

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

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

315           (i) If any member of this system changes his employment  
316 to any agency of the state having an actuarially funded retirement  
317 system, the board of trustees may authorize the transfer of the



318 member's creditable service and of the present value of the  
319 member's employer's accumulation account and of the present value  
320 of the member's accumulated membership contributions to that other  
321 system, provided that the employee agrees to the transfer of his  
322 accumulated membership contributions and provided that the other  
323 system is authorized to receive and agrees to make the transfer.

324       If any member of any other actuarially funded system  
325 maintained by an agency of the state changes his employment to an  
326 agency covered by this system, the board of trustees may authorize  
327 the receipt of the transfer of the member's creditable service and  
328 of the present value of the member's employer's accumulation  
329 account and of the present value of the member's accumulated  
330 membership contributions from the other system, provided that the  
331 employee agrees to the transfer of his accumulated membership  
332 contributions to this system and provided that the other system is  
333 authorized and agrees to make the transfer.

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

337       (k) Employees of a political subdivision or  
338 instrumentality who were employed by the political subdivision or  
339 instrumentality before an agreement between the entity and the  
340 Public Employees' Retirement System to extend the benefits of this  
341 article to its employees, and which agreement provides for the  
342 establishment of retroactive service credit, and who became



343 members of the retirement system before July 1, 2007, and have  
344 remained contributors to the retirement system for four (4) years,  
345 or who became members of the retirement system on or after July 1,  
346 2007, and have remained contributors to the retirement system for  
347 eight (8) years, may receive credit for that retroactive service  
348 with the political subdivision or instrumentality, provided that  
349 the employee and/or employer, as provided under the terms of the  
350 modification of the joinder agreement in allowing that coverage,  
351 pay into the retirement system the employer's and employee's  
352 contributions on wages paid the member during the previous  
353 employment, together with interest or actuarial cost as determined  
354 by the board covering the period from the date the service was  
355 rendered until the payment for the credit for the service was  
356 made. Those wages shall be verified by the Social Security  
357 Administration or employer payroll records. Effective July 1,  
358 1998, upon eligibility as noted above, a member may receive credit  
359 for that retroactive service with the political subdivision or  
360 instrumentality provided:

361 (i) The member shall furnish proof satisfactory to  
362 the board of trustees of certification of those services from the  
363 political subdivision or instrumentality where the services were  
364 rendered or verification by the Social Security Administration;  
365 and

366 (ii) The member shall pay to the retirement system  
367 on the date he or she is eligible for that credit or at any time



368 thereafter before the date of retirement the actuarial cost for  
369 each year of that creditable service. The provisions of this  
370 subparagraph (ii) shall be subject to the limitations of Section  
371 415 of the Internal Revenue Code and regulations promulgated under  
372 Section 415.

373 Nothing contained in this paragraph (k) shall be construed to  
374 limit the authority of the board to allow the correction of  
375 reporting errors or omissions based on the payment of employee and  
376 employer contributions plus applicable interest. Payment for that  
377 time shall be made beginning with the most recent service. Upon  
378 the payment of all or part of the required contributions, plus  
379 interest or the actuarial cost as provided above, the member shall  
380 receive credit for the period of creditable service for which full  
381 payment has been made to the retirement system.

382 (1) Through June 30, 1998, any state service eligible  
383 for retroactive service credit, no part of which has ever been  
384 reported, and requiring the payment of employee and employer  
385 contributions plus interest, or, from and after July 1, 1998, any  
386 state service eligible for retroactive service credit, no part of  
387 which has ever been reported to the retirement system, and  
388 requiring the payment of the actuarial cost for that creditable  
389 service, may, at the member's option, be purchased in quarterly  
390 increments as provided above at the time that its purchase is  
391 otherwise allowed.





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

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

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

399 (a) Patient or inmate help in state charitable, penal  
400 or correctional institutions;

401 (b) Students of any state educational institution  
402 employed by any agency of the state for temporary, part-time or  
403 intermittent work;

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

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

411 **III. TERMINATION OF MEMBERSHIP**

412 Membership in this system shall cease by a member withdrawing  
413 his accumulated contributions, or by a member withdrawing from  
414 active service with a retirement allowance, or by a member's  
415 death.



416           **SECTION 3.** Section 25-11-305, Mississippi Code of 1972, is  
417 amended as follows:

418           25-11-305. (1) The membership of the Supplemental  
419 Legislative Retirement Plan shall be composed as follows:

420                   (a) All members of the State Legislature who are  
421 currently serving in the capacity of an elected official of the  
422 State Legislature and the person currently serving as President of  
423 the Senate shall become members of this system on July 1, 1989,  
424 unless they file with the board within thirty (30) days after July  
425 1, 1989, on a form prescribed by the board, a notice of election  
426 not to be covered in the membership of the Supplemental  
427 Legislative Retirement Plan and a duly executed waiver of all  
428 present and prospective benefits which would otherwise inure to  
429 them on account of their participation in the plan.

430                   (b) All members of the State Legislature and the  
431 President of the Senate who are elected after July 1, 1989.

432           (2) Any state legislators who would have otherwise qualified  
433 for membership in the plan under subsection (1) of this section  
434 but who were excluded from membership by other provisions of this  
435 section as it read before March 26, 1991, shall become members of  
436 the plan upon March 26, 1991, and shall receive creditable service  
437 in the plan for the period from July 1, 1989, to March 26, 1991,  
438 upon payment of the proper employee and employer contributions for  
439 that period.



440 (3) Membership in the plan shall cease by a member  
441 withdrawing his accumulated contributions, or by a member  
442 withdrawing from active service with a retirement allowance, or by  
443 death of the member.

444 (4) No benefits under the plan shall accrue or otherwise be  
445 payable to any person who does not qualify for membership in the  
446 plan under subsection (1) of this section.

447 (5) Persons who receive or continue to receive a retirement  
448 allowance while serving as a member of the Legislature as  
449 authorized by Section 25-11-127(6) shall not be active members of  
450 the plan.

451 **SECTION 4.** Section 5-1-41, Mississippi Code of 1972, is  
452 amended as follows:

453 5-1-41. \* \* \* Except as otherwise provided in Section  
454 25-11-127(6), each Senator and Representative of the Legislature  
455 shall receive as compensation at each regular session the sum of  
456 Ten Thousand Dollars (\$10,000.00) and the mileage allowance  
457 provided by Section 25-3-41, for each mile of the distance by the  
458 most direct route usually traveled in coming to and returning from  
459 the place where the Legislature sits. \* \* \* Except as otherwise  
460 provided in Section 25-11-127(6), each Senator and Representative  
461 shall receive for attending each extraordinary session or called  
462 session the sum of Seventy-five Dollars (\$75.00) per day and  
463 mileage at the same rate as per regular session. Except as  
464 otherwise provided in Section 25-11-127(6), in addition to the



465 above, \* \* \* each Senator and Representative and the Lieutenant  
466 Governor shall receive the sum of One Thousand Five Hundred  
467 Dollars (\$1,500.00) per month for expenses incidental to his  
468 office for every full month of his term, except any month or major  
469 fraction thereof when the Legislature is convened in regular or  
470 extraordinary session; and payments shall be made to each Senator  
471 and Representative and the Lieutenant Governor by the State  
472 Treasurer between the first and tenth day of each month following  
473 the month for which the payments are due.

474 **SECTION 5.** Section 5-1-47, Mississippi Code of 1972, is  
475 amended as follows:

476 5-1-47. (1) Except as otherwise provided in Section  
477 25-11-127(6), in addition to the regular salary and mileage  
478 provided by law, an expense allowance equal to the maximum daily  
479 expense rate allowable to employees of the federal government for  
480 travel in the high rate geographical area of Jackson, Mississippi,  
481 as may be established by federal regulations for each legislative  
482 day in actual attendance at a session shall be paid to the  
483 Lieutenant Governor and members of the Senate and House of  
484 Representatives, together with an additional mileage allowance as  
485 provided by Section 25-3-41, for each mile of the distance by the  
486 most direct route usually traveled in coming to and returning from  
487 the place where the Legislature is in session, which expense  
488 allowance and additional mileage allowance shall be paid at the  
489 end of each seven-day period while the Legislature is in session.



490           (2) Except as otherwise provided in Section 25-11-127(6), in  
491 addition to the mileage allowance provided for in subsection (1)  
492 of this section, an expense allowance equal to the maximum daily  
493 expense rate allowable to employees of the federal government for  
494 travel in the high rate geographical area of Jackson, Mississippi,  
495 as may be established by federal regulations, per day, shall be  
496 paid to:

497           (a) The Lieutenant Governor and members of the Senate,  
498 upon the approval of the Senate Rules Committee, for attending to  
499 legislative duties on any of the following days that the Senate  
500 does not convene in session on that day: (i) any day between  
501 legislative regular or extraordinary sessions, or (ii) any day of  
502 a legislative regular session that has been extended beyond the  
503 number of calendar days specified in Section 36, Mississippi  
504 Constitution of 1890, when that day falls after the ninetieth or  
505 one-hundred-twenty-fifth day of the session, as the case may be,  
506 or (iii) any day during a legislative extraordinary session; and

507           (b) Members of the House of Representatives, upon the  
508 approval of the House Management Committee, for attending to  
509 legislative duties on any of the following days that the House  
510 does not convene in session on that day: (i) any day between  
511 legislative regular or extraordinary sessions, or (ii) any day of  
512 a legislative regular session that has been extended beyond the  
513 number of calendar days specified in Section 36, Mississippi  
514 Constitution of 1890, when that day falls after the ninetieth or



515 one-hundred-twenty-fifth day of the session, as the case may be,  
516 or (iii) any day during a legislative extraordinary session.

517 (3) The expense allowance and additional mileage allowance  
518 provided by this section for the Lieutenant Governor and members  
519 of the Senate shall be paid from the appropriate legislative fund  
520 of the Senate as provided by law, and the expense allowance and  
521 additional mileage allowance for members of the House of  
522 Representatives shall be paid from the appropriate legislative  
523 fund of the House of Representatives as provided by law, upon  
524 warrants drawn for such purpose in the manner provided by law.

525 **SECTION 6.** This act shall take effect and be in force from  
526 and after its passage.

