

By: Representative Miles

To: Appropriations

HOUSE BILL NO. 1014

1 AN ACT TO AMEND SECTION 25-11-127, MISSISSIPPI CODE OF 1972,
 2 TO AUTHORIZE A RETIRED MEMBER OF THE PUBLIC EMPLOYEES' RETIREMENT
 3 SYSTEM TO BE EMPLOYED AS A TEACHER IN A PUBLIC SCHOOL DISTRICT AND
 4 DRAW THE FULL AMOUNT OF HIS OR HER RETIREMENT ALLOWANCE FOR A
 5 PERIOD NOT EXCEEDING TWO YEARS, DURING WHICH TIME THE RETIREE MAY
 6 WORK THE FULL NUMBER OF NORMAL WORKING DAYS FOR THE POSITION AND
 7 RECEIVE THE FULL AMOUNT OF THE SALARY IN EFFECT FOR THE POSITION
 8 AT THE TIME OF EMPLOYMENT; TO AMEND SECTION 25-25-16, MISSISSIPPI
 9 CODE OF 1972, TO AUTHORIZE PUBLIC SCHOOL DISTRICTS TO PAY WITH
 10 LOCAL FUNDS, THE FULL COST OF THE HEALTH INSURANCE PREMIUMS FOR
 11 ALL RETIRED MEMBERS OF THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM WHO
 12 ARE EMPLOYED AS TEACHERS BY THE SCHOOL DISTRICTS; AND FOR RELATED
 13 PURPOSES.

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

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

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



24 person has been retired for not less than ninety (90) consecutive
25 days from his or her effective date of retirement or such later
26 date as established by the board, he or she may be reemployed
27 while being paid a retirement allowance under the terms and
28 conditions provided in this section.

29 (b) No retiree of this retirement system who is
30 reemployed or is reelected to office after retirement shall
31 continue to draw retirement benefits while so reemployed, except
32 as provided in this section.

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

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

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



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

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

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

60 To determine the normal working days for a position under
61 paragraph (a) of this subsection, the employer shall determine the
62 required number of working days for the position on a full-time
63 basis and the equivalent number of hours representing the
64 full-time position. The retiree then may work up to one-half
65 (1/2) of the required number of working days or up to one-half
66 (1/2) of the equivalent number of hours and receive up to one-half
67 (1/2) of the salary for the position. In the case of employment
68 with multiple employers, the limitation shall equal one-half (1/2)
69 of the number of days or hours for a single full-time position.

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



73 of employment and also from the date of termination of the
74 employment.

75 (5) The provisions of this section shall not be construed to
76 prohibit any retiree, regardless of age, from being employed as a
77 teacher in a public school district and drawing the full amount of
78 the retiree's retirement allowance for a period not exceeding two
79 (2) years, during which time the retiree may work the full number
80 of normal working days for the position and receive the full
81 amount of the salary in effect for the position at the time of
82 employment. After the expiration of the two-year period, the
83 retiree may continue to be employed as a teacher in a public
84 school district under the provisions of subsection (4) of this
85 section.

86 (6) Except as otherwise provided in subsection (* * *7) of
87 this section, the employer of any person who is receiving a
88 retirement allowance and who is employed in service covered by
89 subsection (4) or (5) of this section as an employee or a
90 contractual employee shall pay to the board the full amount of the
91 employer's contribution on the amount of compensation received by
92 the retiree for his or her employment in accordance with
93 regulations prescribed by the board. The retiree shall not
94 receive any additional creditable service in the retirement system
95 as a result of the payment of the employer's contribution. This
96 subsection does not apply to persons who are receiving a
97 retirement allowance and who contract with an employer to provide



98 services as a true independent contractor, as defined by the board
99 through regulation.

100 (* * *7) (a) A member may retire and continue in municipal
101 or county elective office provided that the member has reached the
102 age and/or service requirement that will not result in a
103 prohibited in-service distribution as defined by the Internal
104 Revenue Service, or a retiree may be elected to a municipal or
105 county office, provided that the person:

106 (i) Files annually, in writing, in the office of
107 the employer and the office of the executive director of the
108 system before the person takes office or as soon as possible after
109 retirement, a waiver of all salary or compensation and elects to
110 receive in lieu of that salary or compensation a retirement
111 allowance as provided in this section, in which event no salary or
112 compensation shall thereafter be due or payable for those
113 services; however, any such officer or employee may receive, in
114 addition to the retirement allowance, office expense allowance,
115 mileage or travel expense authorized by any statute of the State
116 of Mississippi; or

117 (ii) Elects to receive compensation for that
118 elective office in an amount not to exceed twenty-five percent
119 (25%) of the retiree's average compensation. In order to receive
120 compensation as allowed in this subparagraph, the retiree shall
121 file annually, in writing, in the office of the employer and the
122 office of the executive director of the system, an election to



123 receive, in addition to a retirement allowance, compensation as
124 allowed in this subparagraph.

125 (b) The municipality or county in which the retired
126 person holds elective office shall pay to the board the amount of
127 the employer's contributions on the full amount of the regular
128 compensation for the elective office that the retired person
129 holds.

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

133 **SECTION 2.** Section 25-15-16, Mississippi Code of 1972, is
134 amended as follows:

135 25-15-16. The public school districts of the state, in their
136 discretion, may pay with local funds one hundred percent (100%) of
137 the cost of the health insurance premiums of the State and School
138 Employees Health Insurance Plan for all retired members of the
139 Public Employees' Retirement System who are employed as teachers
140 or as school bus drivers by the school districts. No state funds
141 shall be used for payment of the health insurance premiums under
142 the authority of this section. If a school district chooses to
143 pay the health insurance premiums for teachers or school bus
144 drivers under the authority of this section, the district shall be
145 authorized to pay any amount that is one hundred percent (100%) or
146 less of the cost of the health insurance premiums for the teachers
147 or school bus drivers.



148 **SECTION 3.** This act shall take effect and be in force from
149 and after July 1, 2022.

