

By: Representatives Darnell, Goodin, Hale,
Kinkade, Powell, Tubb

To: Appropriations

HOUSE BILL NO. 1148

1 AN ACT TO AMEND SECTION 25-11-127, MISSISSIPPI CODE OF 1972,
2 TO AUTHORIZE CERTAIN MEMBERS OF THE LEGISLATURE TO RETIRE UNDER
3 THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM AND CONTINUE AS A MEMBER
4 OF THE LEGISLATURE, AND AUTHORIZE RETIRED MEMBERS OF THE
5 RETIREMENT SYSTEM TO BE ELECTED AS A MEMBER OF THE LEGISLATURE,
6 AND RECEIVE AS COMPENSATION FOR THAT OFFICE ONLY THE EXPENSE
7 ALLOWANCE FOR EACH LEGISLATIVE DAY IN ACTUAL ATTENDANCE AT A
8 SESSION AND THE MILEAGE ALLOWANCE FOR TRAVELING TO AND FROM THE
9 PLACE WHERE THE LEGISLATURE IS IN SESSION; TO AMEND SECTIONS
10 25-11-105, 25-11-305, 5-1-41 AND 5-1-47, MISSISSIPPI CODE OF 1972,
11 IN CONFORMITY TO THE PROVISIONS OF THIS ACT; AND FOR RELATED
12 PURPOSES.

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

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

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



24 days from his or her effective date of retirement or such later
25 date as established by the board, he or she may be reemployed
26 while being paid a retirement allowance under the terms and
27 conditions provided in this section.

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

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

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

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



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

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

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

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

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



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

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

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

93 (i) Files annually, in writing, in the office of
94 the employer and the office of the executive director of the
95 system before the person takes office or as soon as possible after
96 retirement, a waiver of all salary or compensation and elects to



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

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

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

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

120 (7) (a) A member of the Legislature may retire and
121 continue as a member of the Legislature provided that the member



122 has reached the age and/or service requirement that will not
123 result in a prohibited in-service distribution as defined by the
124 Internal Revenue Service, or a retired member of the system may be
125 elected as a member of the Legislature, provided that the person
126 elects to receive as compensation for that office only the expense
127 allowance for each legislative day in actual attendance at a
128 session and the mileage allowance for traveling to and from the
129 place where the Legislature is in session, as authorized under
130 Section 5-1-47. In order to receive compensation as allowed in
131 this paragraph (a), the retiree shall file annually, in writing,
132 in the office of the employer and the office of the executive
133 director of the system, an election to receive, in addition to a
134 retirement allowance, compensation as allowed in this paragraph.

135 (b) The house of the Legislature in which the retiree
136 serves as a member shall pay to the board the amount of the
137 employer's contributions on the full amount of the compensation
138 that the retiree receives under paragraph (a) of this subsection.

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

141 25-11-105. **I. THOSE WHO ARE ELIGIBLE FOR MEMBERSHIP**

142 The membership of this retirement system shall be composed as
143 follows:

144 (a) (i) All persons who become employees in the state
145 service after January 31, 1953, and whose wages are subject to
146 payroll taxes and are lawfully reported on IRS Form W-2, except



147 those who are specifically excluded, * * * those as to whom
148 election is provided in Articles 1 and 3, and those persons who
149 receive or continue to receive a retirement allowance while
150 serving as a member of the Legislature as authorized by Section
151 25-11-127(7), shall become members of the retirement system as a
152 condition of their employment.

153 (ii) From and after July 1, 2002, any individual
154 who is employed by a governmental entity to perform professional
155 services shall become a member of the system if the individual is
156 paid regular periodic compensation for those services that is
157 subject to payroll taxes, is provided all other employee benefits
158 and meets the membership criteria established by the regulations
159 adopted by the board of trustees that apply to all other members
160 of the system; however, any active member employed in such a
161 position on July 1, 2002, will continue to be an active member for
162 as long as they are employed in any such position.

163 (b) All persons who become employees in the state
164 service after January 31, 1953, except those specifically excluded
165 or as to whom election is provided in Articles 1 and 3, unless
166 they file with the board before the lapse of sixty (60) days of
167 employment or sixty (60) days after the effective date of the
168 cited articles, whichever is later, on a form prescribed by the
169 board, a notice of election not to be covered by the membership of
170 the retirement system and a duly executed waiver of all present
171 and prospective benefits that would otherwise inure to them on



172 account of their participation in the system, shall become members
173 of the retirement system; however, no credit for prior service
174 will be granted to members who became members of the system before
175 July 1, 2007, until they have contributed to Article 3 of the
176 retirement system for a minimum period of at least four (4) years,
177 or to members who became members of the system on or after July 1,
178 2007, until they have contributed to Article 3 of the retirement
179 system for a minimum period of at least eight (8) years. Those
180 members shall receive credit for services performed before January
181 1, 1953, in employment now covered by Article 3, but no credit
182 shall be granted for retroactive services between January 1, 1953,
183 and the date of their entry into the retirement system, unless the
184 employee pays into the retirement system both the employer's and
185 the employee's contributions on wages paid him during the period
186 from January 31, 1953, to the date of his becoming a contributing
187 member, together with interest at the rate determined by the board
188 of trustees. Members reentering after withdrawal from service
189 shall qualify for prior service under the provisions of Section
190 25-11-117. From and after July 1, 1998, upon eligibility as noted
191 above, the member may receive credit for such retroactive service
192 provided:

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



196 (ii) The member shall pay to the retirement system
197 on the date he or she is eligible for that credit or at any time
198 thereafter before the date of retirement the actuarial cost for
199 each year of that creditable service. The provisions of this
200 subparagraph (ii) shall be subject to the limitations of Section
201 415 of the Internal Revenue Code and regulations promulgated under
202 Section 415.

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

207 (c) All persons who become employees in the state
208 service after January 31, 1953, and who are eligible for
209 membership in any other retirement system shall become members of
210 this retirement system as a condition of their employment, unless
211 they elect at the time of their employment to become a member of
212 that other system.

213 (d) All persons who are employees in the state service
214 on January 31, 1953, and who are members of any nonfunded
215 retirement system operated by the State of Mississippi, or any of
216 its departments or agencies, shall become members of this system
217 with prior service credit unless, before February 1, 1953, they
218 file a written notice with the board of trustees that they do not
219 elect to become members.



220 (e) All persons who are employees in the state service
221 on January 31, 1953, and who under existing laws are members of
222 any fund operated for the retirement of employees by the State of
223 Mississippi, or any of its departments or agencies, shall not be
224 entitled to membership in this retirement system unless, before
225 February 1, 1953, any such person indicates by a notice filed with
226 the board, on a form prescribed by the board, his individual
227 election and choice to participate in this system, but no such
228 person shall receive prior service credit unless he becomes a
229 member on or before February 1, 1953.

230 (f) Each political subdivision of the state and each
231 instrumentality of the state or a political subdivision, or both,
232 is authorized to submit, for approval by the board of trustees, a
233 plan for extending the benefits of this article to employees of
234 any such political subdivision or instrumentality. Each such plan
235 or any amendment to the plan for extending benefits thereof shall
236 be approved by the board of trustees if it finds that the plan, or
237 the plan as amended, is in conformity with such requirements as
238 are provided in Articles 1 and 3; however, upon approval of the
239 plan or any such plan previously approved by the board of
240 trustees, the approved plan shall not be subject to cancellation
241 or termination by the political subdivision or instrumentality.
242 No such plan shall be approved unless:

243 (i) It provides that all services that constitute
244 employment as defined in Section 25-11-5 and are performed in the



245 employ of the political subdivision or instrumentality, by any
246 employees thereof, shall be covered by the plan, with the
247 exception of municipal employees who are already covered by
248 existing retirement plans; however, those employees in this class
249 may elect to come under the provisions of this article;

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

255 (iii) It provides for such methods of
256 administration of the plan by the political subdivision or
257 instrumentality as are found by the board of trustees to be
258 necessary for the proper and efficient administration thereof;

259 (iv) It provides that the political subdivision or
260 instrumentality will make such reports, in such form and
261 containing such information, as the board of trustees may from
262 time to time require;

263 (v) It authorizes the board of trustees to
264 terminate the plan in its entirety in the discretion of the board
265 if it finds that there has been a failure to comply substantially
266 with any provision contained in the plan, the termination to take
267 effect at the expiration of such notice and on such conditions as
268 may be provided by regulations of the board and as may be
269 consistent with applicable federal law.



270 1. The board of trustees shall not finally
271 refuse to approve a plan submitted under paragraph (f), and shall
272 not terminate an approved plan without reasonable notice and
273 opportunity for hearing to each political subdivision or
274 instrumentality affected by the board's decision. The board's
275 decision in any such case shall be final, conclusive and binding
276 unless an appeal is taken by the political subdivision or
277 instrumentality aggrieved by the decision to the Circuit Court of
278 the First Judicial District of Hinds County, Mississippi, in
279 accordance with the provisions of law with respect to civil causes
280 by certiorari.

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

288 3. Every political subdivision or
289 instrumentality required to make payments under paragraph (f)(v)2
290 of this section is authorized, in consideration of the employees'
291 retention in or entry upon employment after enactment of Articles
292 1 and 3, to impose upon its employees, as to services that are
293 covered by an approved plan, a contribution with respect to wages
294 (as defined in Section 25-11-5) not exceeding the amount provided



295 in Section 25-11-123(d) if those services constituted employment
296 within the meaning of Articles 1 and 3, and to deduct the amount
297 of the contribution from the wages as and when paid.

298 Contributions so collected shall be paid into the contribution
299 fund as partial discharge of the liability of the political
300 subdivisions or instrumentalities under paragraph (f)(v)2 of this
301 section. Failure to deduct the contribution shall not relieve the
302 employee or employer of liability for the contribution.

303 4. Any state agency, school, political
304 subdivision, instrumentality or any employer that is required to
305 submit contribution payments or wage reports under any section of
306 this chapter shall be assessed interest on delinquent payments or
307 wage reports as determined by the board of trustees in accordance
308 with rules and regulations adopted by the board and delinquent
309 payments, assessed interest and any other amount certified by the
310 board as owed by an employer, may be recovered by action in a
311 court of competent jurisdiction against the reporting agency
312 liable therefor or may, upon due certification of delinquency and
313 at the request of the board of trustees, be deducted from any
314 other monies payable to the reporting agency by any department or
315 agency of the state.

316 5. Each political subdivision of the state
317 and each instrumentality of the state or a political subdivision
318 or subdivisions that submit a plan for approval of the board, as
319 provided in this section, shall reimburse the board for coverage



320 into the expense account, its pro rata share of the total expense
321 of administering Articles 1 and 3 as provided by regulations of
322 the board.

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

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

335 (i) If any member of this system changes his employment
336 to any agency of the state having an actuarially funded retirement
337 system, the board of trustees may authorize the transfer of the
338 member's creditable service and of the present value of the
339 member's employer's accumulation account and of the present value
340 of the member's accumulated membership contributions to that other
341 system, provided that the employee agrees to the transfer of his
342 accumulated membership contributions and provided that the other
343 system is authorized to receive and agrees to make the transfer.



344 If any member of any other actuarially funded system
345 maintained by an agency of the state changes his employment to an
346 agency covered by this system, the board of trustees may authorize
347 the receipt of the transfer of the member's creditable service and
348 of the present value of the member's employer's accumulation
349 account and of the present value of the member's accumulated
350 membership contributions from the other system, provided that the
351 employee agrees to the transfer of his accumulated membership
352 contributions to this system and provided that the other system is
353 authorized and agrees to make the transfer.

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

357 (k) Employees of a political subdivision or
358 instrumentality who were employed by the political subdivision or
359 instrumentality before an agreement between the entity and the
360 Public Employees' Retirement System to extend the benefits of this
361 article to its employees, and which agreement provides for the
362 establishment of retroactive service credit, and who became
363 members of the retirement system before July 1, 2007, and have
364 remained contributors to the retirement system for four (4) years,
365 or who became members of the retirement system on or after July 1,
366 2007, and have remained contributors to the retirement system for
367 eight (8) years, may receive credit for that retroactive service
368 with the political subdivision or instrumentality, provided that



369 the employee and/or employer, as provided under the terms of the
370 modification of the joinder agreement in allowing that coverage,
371 pay into the retirement system the employer's and employee's
372 contributions on wages paid the member during the previous
373 employment, together with interest or actuarial cost as determined
374 by the board covering the period from the date the service was
375 rendered until the payment for the credit for the service was
376 made. Those wages shall be verified by the Social Security
377 Administration or employer payroll records. Effective July 1,
378 1998, upon eligibility as noted above, a member may receive credit
379 for that retroactive service with the political subdivision or
380 instrumentality provided:

381 (i) The member shall furnish proof satisfactory to
382 the board of trustees of certification of those services from the
383 political subdivision or instrumentality where the services were
384 rendered or verification by the Social Security Administration;
385 and

386 (ii) The member shall pay to the retirement system
387 on the date he or she is eligible for that credit or at any time
388 thereafter before the date of retirement the actuarial cost for
389 each year of that creditable service. The provisions of this
390 subparagraph (ii) shall be subject to the limitations of Section
391 415 of the Internal Revenue Code and regulations promulgated under
392 Section 415.



393 Nothing contained in this paragraph (k) shall be construed to
394 limit the authority of the board to allow the correction of
395 reporting errors or omissions based on the payment of employee and
396 employer contributions plus applicable interest. Payment for that
397 time shall be made beginning with the most recent service. Upon
398 the payment of all or part of the required contributions, plus
399 interest or the actuarial cost as provided above, the member shall
400 receive credit for the period of creditable service for which full
401 payment has been made to the retirement system.

402 (1) Through June 30, 1998, any state service eligible
403 for retroactive service credit, no part of which has ever been
404 reported, and requiring the payment of employee and employer
405 contributions plus interest, or, from and after July 1, 1998, any
406 state service eligible for retroactive service credit, no part of
407 which has ever been reported to the retirement system, and
408 requiring the payment of the actuarial cost for that creditable
409 service, may, at the member's option, be purchased in quarterly
410 increments as provided above at the time that its purchase is
411 otherwise allowed.

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

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



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

419 (a) Patient or inmate help in state charitable, penal
420 or correctional institutions;

421 (b) Students of any state educational institution
422 employed by any agency of the state for temporary, part-time or
423 intermittent work;

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

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

431 **III. TERMINATION OF MEMBERSHIP**

432 Membership in this system shall cease by a member withdrawing
433 his accumulated contributions, or by a member withdrawing from
434 active service with a retirement allowance, or by a member's
435 death.

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

438 25-11-305. (1) The membership of the Supplemental
439 Legislative Retirement Plan shall be composed as follows:



440 (a) All members of the State Legislature who are
441 currently serving in the capacity of an elected official of the
442 State Legislature and the person currently serving as President of
443 the Senate shall become members of this system on July 1, 1989,
444 unless they file with the board within thirty (30) days after July
445 1, 1989, on a form prescribed by the board, a notice of election
446 not to be covered in the membership of the Supplemental
447 Legislative Retirement Plan and a duly executed waiver of all
448 present and prospective benefits which would otherwise inure to
449 them on account of their participation in the plan.

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

452 (2) Any state legislators who would have otherwise qualified
453 for membership in the plan under subsection (1) of this section
454 but who were excluded from membership by other provisions of this
455 section as it read before March 26, 1991, shall become members of
456 the plan upon March 26, 1991, and shall receive creditable service
457 in the plan for the period from July 1, 1989, to March 26, 1991,
458 upon payment of the proper employee and employer contributions for
459 that period.

460 (3) Membership in the plan shall cease by a member
461 withdrawing his accumulated contributions, or by a member
462 withdrawing from active service with a retirement allowance, or by
463 death of the member.



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

467 (5) Persons who receive or continue to receive a retirement
468 allowance while serving as a member of the Legislature as
469 authorized by Section 25-11-127(7) shall not be active members of
470 the plan.

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

473 5-1-41. * * * Except as otherwise provided in Section
474 25-11-127(7), each Senator and Representative of the Legislature
475 shall receive as compensation at each regular session the sum of
476 Ten Thousand Dollars (\$10,000.00) and the mileage allowance
477 provided by Section 25-3-41, for each mile of the distance by the
478 most direct route usually traveled in coming to and returning from
479 the place where the Legislature sits. * * * Except as otherwise
480 provided in Section 25-11-127(7), each Senator and Representative
481 shall receive for attending each extraordinary session or called
482 session the sum of Seventy-five Dollars (\$75.00) per day and
483 mileage at the same rate as per regular session. Except as
484 otherwise provided in Section 25-11-127(7), in addition to the
485 above, * * * each Senator and Representative and the Lieutenant
486 Governor shall receive the sum of One Thousand Five Hundred
487 Dollars (\$1,500.00) per month for expenses incidental to his
488 office for every full month of his term, except any month or major



489 fraction thereof when the Legislature is convened in regular or
490 extraordinary session; and payments shall be made to each Senator
491 and Representative and the Lieutenant Governor by the State
492 Treasurer between the first and tenth day of each month following
493 the month for which the payments are due.

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

496 5-1-47. (1) Except as otherwise provided in Section
497 25-11-127(7), in addition to the regular salary and mileage
498 provided by law, an expense allowance equal to the maximum daily
499 expense rate allowable to employees of the federal government for
500 travel in the high rate geographical area of Jackson, Mississippi,
501 as may be established by federal regulations for each legislative
502 day in actual attendance at a session shall be paid to the
503 Lieutenant Governor and members of the Senate and House of
504 Representatives, together with an additional mileage allowance as
505 provided by Section 25-3-41, for each mile of the distance by the
506 most direct route usually traveled in coming to and returning from
507 the place where the Legislature is in session, which expense
508 allowance and additional mileage allowance shall be paid at the
509 end of each seven-day period while the Legislature is in session.

510 (2) Except as otherwise provided in Section 25-11-127(7), in
511 addition to the mileage allowance provided for in subsection (1)
512 of this section, an expense allowance equal to the maximum daily
513 expense rate allowable to employees of the federal government for



514 travel in the high rate geographical area of Jackson, Mississippi,
515 as may be established by federal regulations, per day, shall be
516 paid to:

517 (a) The Lieutenant Governor and members of the Senate,
518 upon the approval of the Senate Rules Committee, for attending to
519 legislative duties on any of the following days that the Senate
520 does not convene in session on that day: (i) any day between
521 legislative regular or extraordinary sessions, or (ii) any day of
522 a legislative regular session that has been extended beyond the
523 number of calendar days specified in Section 36, Mississippi
524 Constitution of 1890, when that day falls after the ninetieth or
525 one-hundred-twenty-fifth day of the session, as the case may be,
526 or (iii) any day during a legislative extraordinary session; and

527 (b) Members of the House of Representatives, upon the
528 approval of the House Management Committee, for attending to
529 legislative duties on any of the following days that the House
530 does not convene in session on that day: (i) any day between
531 legislative regular or extraordinary sessions, or (ii) any day of
532 a legislative regular session that has been extended beyond the
533 number of calendar days specified in Section 36, Mississippi
534 Constitution of 1890, when that day falls after the ninetieth or
535 one-hundred-twenty-fifth day of the session, as the case may be,
536 or (iii) any day during a legislative extraordinary session.

537 (3) The expense allowance and additional mileage allowance
538 provided by this section for the Lieutenant Governor and members



539 of the Senate shall be paid from the appropriate legislative fund
540 of the Senate as provided by law, and the expense allowance and
541 additional mileage allowance for members of the House of
542 Representatives shall be paid from the appropriate legislative
543 fund of the House of Representatives as provided by law, upon
544 warrants drawn for such purpose in the manner provided by law.

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

