

By: Representative Haney

To: State Affairs;
Appropriations A

HOUSE BILL NO. 1387

1 AN ACT TO AMEND SECTION 25-11-127, MISSISSIPPI CODE OF 1972,
2 TO AUTHORIZE RETIRED MEMBERS OF THE PUBLIC EMPLOYEES' RETIREMENT
3 SYSTEM TO BE EMPLOYED AS A LAW ENFORCEMENT OFFICER WITH AN
4 EMPLOYER OTHER THAN THE EMPLOYER FOR WHICH THE RETIREE WAS WORKING
5 AT THE TIME OF RETIREMENT AND DRAW THE FULL AMOUNT OF THE
6 RETIREMENT ALLOWANCE, DURING WHICH TIME THE RETIREE MAY WORK THE
7 FULL NUMBER OF NORMAL WORKING DAYS FOR THE POSITION AND RECEIVE
8 THE FULL AMOUNT OF THE SALARY IN EFFECT FOR THE POSITION AT THE
9 TIME OF EMPLOYMENT; AND FOR 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



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

(5) The provisions of this section shall not be construed to prohibit any retiree, regardless of age, from being employed as a law enforcement officer with an employer other than the employer for which the retiree was working at the time of retirement and drawing the full amount of the retiree's retirement allowance, during which time the retiree may work the full number of normal working days for the position and receive the full amount of the salary in effect for the position at the time of employment.

(6) Except as otherwise provided in subsection (* * *7) of this section, the employer of any person who is receiving a retirement allowance and who is employed in service covered by subsection (4) or (5) of this section as an employee or a contractual employee shall pay to the board the full amount of the employer's contribution on the amount of compensation received by the retiree for his or her employment in accordance with regulations prescribed by the board. The retiree shall not receive any additional creditable service in the retirement system as a result of the payment of the employer's contribution. This subsection does not apply to persons who are receiving a retirement allowance and who contract with an employer to provide services as a true independent contractor, as defined by the board through regulation.



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

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

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



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

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

126 **SECTION 2.** This act shall take effect and be in force from
127 and after July 1, 2024.

