

By: Senator(s) Norwood, Simmons (12th)

To: Finance

SENATE BILL NO. 2392

1 AN ACT TO CREATE NEW SECTION 25-11-126, MISSISSIPPI CODE OF
2 1972, TO PROVIDE THAT PERSONS WHO ARE RECEIVING A RETIREMENT
3 ALLOWANCE FROM THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM WHO ARE
4 ELECTED AS A MEMBER OF THE LEGISLATURE AFTER RETIREMENT, AND
5 MEMBERS OF THE LEGISLATURE WHO ARE ELIGIBLE TO RECEIVE A
6 RETIREMENT ALLOWANCE FROM THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM
7 WHILE SERVING AS A MEMBER OF THE LEGISLATURE, MAY RECEIVE A
8 RETIREMENT ALLOWANCE FROM THE SYSTEM WHILE SERVING AS A MEMBER OF
9 THE LEGISLATURE IN ADDITION TO RECEIVING THE REGULAR COMPENSATION
10 FOR MEMBERS OF THE LEGISLATURE; TO PROVIDE THAT THOSE PERSONS
11 SHALL NOT BE ACTIVE MEMBERS OF THE RETIREMENT SYSTEM AND SHALL NOT
12 RECEIVE ANY CREDITABLE SERVICE FOR THE PERIOD DURING WHICH THEY
13 RECEIVE A RETIREMENT ALLOWANCE WHILE SERVING AS A MEMBER OF THE
14 LEGISLATURE; TO AMEND SECTION 25-11-105, MISSISSIPPI CODE OF 1972,
15 TO CONFORM TO THE PROVISIONS OF THIS ACT; TO AMEND SECTION
16 25-11-127, MISSISSIPPI CODE OF 1972, TO REQUIRE THOSE PERSONS TO
17 PAY THE FULL AMOUNT OF THE EMPLOYEE'S CONTRIBUTIONS ON THE AMOUNT
18 OF COMPENSATION RECEIVED FOR SERVING AS A MEMBER OF THE
19 LEGISLATURE; TO PROVIDE THAT THOSE PERSONS WILL NOT RECEIVE ANY
20 ADDITIONAL CREDITABLE SERVICE IN THE RETIREMENT SYSTEM AS A RESULT
21 OF THE PAYMENT OF THE EMPLOYEE'S CONTRIBUTION; AND FOR RELATED
22 PURPOSES.

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

24 **SECTION 1.** The following shall be codified as Section
25 25-11-126, Mississippi Code of 1972:

26 25-11-126. (1) (a) Any person who is receiving a
27 retirement allowance under this article and who is elected as a
28 member of the Legislature after retirement may choose to continue



29 to receive a retirement allowance under this article while serving
30 as a member of the Legislature in addition to receiving the
31 regular compensation for members of the Legislature in the manner
32 provided in this section.

33 (b) Any member of the Legislature who is eligible to
34 receive a retirement allowance under this article, who has reached
35 the age and/or service requirement that will not result in a
36 prohibited in-service distribution as defined by the Internal
37 Revenue Service, may choose to receive a retirement allowance
38 while serving as a member of the Legislature in addition to
39 receiving the regular compensation for members of the Legislature
40 in the manner provided in this section.

41 (2) Any person who is eligible to receive a retirement
42 allowance under subsection (1) (a) of this section shall notify the
43 executive director of the system before taking office as a member
44 of the Legislature of his or her choice about continuing to
45 receive the retirement allowance while serving as a member of the
46 Legislature. If the person chooses not to continue receiving the
47 retirement allowance while serving as a member of the Legislature,
48 the retirement allowance shall cease on the day that he or she
49 begins serving as a member of the Legislature. After the person
50 is no longer serving as a member of the Legislature, in order to
51 begin receiving a retirement allowance under this article again,
52 the person shall make application to the executive director of the
53 system, and the retirement allowance shall begin on the first of



54 the month following the date that the application is received by
55 the executive director.

56 (3) Any member of the Legislature who is eligible to receive
57 a retirement allowance under subsection (1)(b) of this section and
58 who chooses to receive a retirement allowance while serving as a
59 member of the Legislature shall make application to the executive
60 director of the system, and the retirement allowance shall begin
61 on the first of the month following the date that the application
62 is received by the executive director. The member of the
63 Legislature shall not be required to withdraw from service in
64 order to receive the retirement allowance.

65 (4) Any person to whom this section applies who receives or
66 continues to receive a retirement allowance under this article
67 while serving as a member of the Legislature shall not be an
68 active member of the retirement system and shall not receive any
69 creditable service for the period during which he or she receives
70 a retirement allowance while serving as a member of the
71 Legislature.

72 (5) Any person to whom this section applies who chooses not
73 to receive a retirement allowance while serving as a member of the
74 Legislature shall be an active and contributing member of the
75 retirement system and shall receive creditable service for the
76 period during which he or she serves as a member of the
77 Legislature without receiving a retirement allowance. If the
78 person has previously received a retirement allowance under this



79 article and serves as a member of the Legislature for more than
80 six (6) months without receiving a retirement allowance, the
81 person shall have his or her allowance recomputed when he or she
82 retires again, which shall include the service after he or she
83 again became a contributing member of the retirement system.

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

86 25-11-105. **I. THOSE WHO ARE ELIGIBLE FOR MEMBERSHIP**

87 The membership of this retirement system shall be composed as
88 follows:

89 (a) (i) All persons who become employees in the state
90 service after January 31, 1953, and whose wages are subject to
91 payroll taxes and are lawfully reported on IRS Form W-2, except
92 those who are specifically excluded, * * * those as to whom
93 election is provided in Articles 1 and 3, and those who choose to
94 receive or continue to receive a retirement allowance while
95 serving as a member of the Legislature as authorized by Section
96 25-11-126, shall become members of the retirement system as a
97 condition of their employment.

98 (ii) From and after July 1, 2002, any individual
99 who is employed by a governmental entity to perform professional
100 services shall become a member of the system if the individual is
101 paid regular periodic compensation for those services that is
102 subject to payroll taxes, is provided all other employee benefits
103 and meets the membership criteria established by the regulations



104 adopted by the board of trustees that apply to all other members
105 of the system; however, any active member employed in such a
106 position on July 1, 2002, will continue to be an active member for
107 as long as they are employed in any such position.

108 (b) All persons who become employees in the state
109 service after January 31, 1953, except those specifically excluded
110 or as to whom election is provided in Articles 1 and 3, unless
111 they file with the board before the lapse of sixty (60) days of
112 employment or sixty (60) days after the effective date of the
113 cited articles, whichever is later, on a form prescribed by the
114 board, a notice of election not to be covered by the membership of
115 the retirement system and a duly executed waiver of all present
116 and prospective benefits that would otherwise inure to them on
117 account of their participation in the system, shall become members
118 of the retirement system; however, no credit for prior service
119 will be granted to members who became members of the system before
120 July 1, 2007, until they have contributed to Article 3 of the
121 retirement system for a minimum period of at least four (4) years,
122 or to members who became members of the system on or after July 1,
123 2007, until they have contributed to Article 3 of the retirement
124 system for a minimum period of at least eight (8) years. Those
125 members shall receive credit for services performed before January
126 1, 1953, in employment now covered by Article 3, but no credit
127 shall be granted for retroactive services between January 1, 1953,
128 and the date of their entry into the retirement system, unless the



129 employee pays into the retirement system both the employer's and
130 the employee's contributions on wages paid him during the period
131 from January 31, 1953, to the date of his becoming a contributing
132 member, together with interest at the rate determined by the board
133 of trustees. Members reentering after withdrawal from service
134 shall qualify for prior service under the provisions of Section
135 25-11-117. From and after July 1, 1998, upon eligibility as noted
136 above, the member may receive credit for such retroactive service
137 provided:

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

141 (ii) The member shall pay to the retirement system
142 on the date he or she is eligible for that credit or at any time
143 thereafter before the date of retirement the actuarial cost for
144 each year of that creditable service. The provisions of this
145 subparagraph (ii) shall be subject to the limitations of Section
146 415 of the Internal Revenue Code and regulations promulgated under
147 Section 415.

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

152 (c) All persons who become employees in the state
153 service after January 31, 1953, and who are eligible for



154 membership in any other retirement system shall become members of
155 this retirement system as a condition of their employment, unless
156 they elect at the time of their employment to become a member of
157 that other system.

158 (d) All persons who are employees in the state service
159 on January 31, 1953, and who are members of any nonfunded
160 retirement system operated by the State of Mississippi, or any of
161 its departments or agencies, shall become members of this system
162 with prior service credit unless, before February 1, 1953, they
163 file a written notice with the board of trustees that they do not
164 elect to become members.

165 (e) All persons who are employees in the state service
166 on January 31, 1953, and who under existing laws are members of
167 any fund operated for the retirement of employees by the State of
168 Mississippi, or any of its departments or agencies, shall not be
169 entitled to membership in this retirement system unless, before
170 February 1, 1953, any such person indicates by a notice filed with
171 the board, on a form prescribed by the board, his individual
172 election and choice to participate in this system, but no such
173 person shall receive prior service credit unless he becomes a
174 member on or before February 1, 1953.

175 (f) Each political subdivision of the state and each
176 instrumentality of the state or a political subdivision, or both,
177 is authorized to submit, for approval by the board of trustees, a
178 plan for extending the benefits of this article to employees of



179 any such political subdivision or instrumentality. Each such plan
180 or any amendment to the plan for extending benefits thereof shall
181 be approved by the board of trustees if it finds that the plan, or
182 the plan as amended, is in conformity with such requirements as
183 are provided in Articles 1 and 3; however, upon approval of the
184 plan or any such plan previously approved by the board of
185 trustees, the approved plan shall not be subject to cancellation
186 or termination by the political subdivision or instrumentality.
187 No such plan shall be approved unless:

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

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

200 (iii) It provides for such methods of
201 administration of the plan by the political subdivision or
202 instrumentality as are found by the board of trustees to be
203 necessary for the proper and efficient administration thereof;



204 (iv) It provides that the political subdivision or
205 instrumentality will make such reports, in such form and
206 containing such information, as the board of trustees may from
207 time to time require;

208 (v) It authorizes the board of trustees to
209 terminate the plan in its entirety in the discretion of the board
210 if it finds that there has been a failure to comply substantially
211 with any provision contained in the plan, the termination to take
212 effect at the expiration of such notice and on such conditions as
213 may be provided by regulations of the board and as may be
214 consistent with applicable federal law.

215 1. The board of trustees shall not finally
216 refuse to approve a plan submitted under paragraph (f), and shall
217 not terminate an approved plan without reasonable notice and
218 opportunity for hearing to each political subdivision or
219 instrumentality affected by the board's decision. The board's
220 decision in any such case shall be final, conclusive and binding
221 unless an appeal is taken by the political subdivision or
222 instrumentality aggrieved by the decision to the Circuit Court of
223 the First Judicial District of Hinds County, Mississippi, in
224 accordance with the provisions of law with respect to civil causes
225 by certiorari.

226 2. Each political subdivision or
227 instrumentality as to which a plan has been approved under this
228 section shall pay into the contribution fund, with respect to



229 wages (as defined in Section 25-11-5), at such time or times as
230 the board of trustees may by regulation prescribe, contributions
231 in the amounts and at the rates specified in the applicable
232 agreement entered into by the board.

233 3. Every political subdivision or
234 instrumentality required to make payments under paragraph (f)(v)2
235 of this section is authorized, in consideration of the employees'
236 retention in or entry upon employment after enactment of Articles
237 1 and 3, to impose upon its employees, as to services that are
238 covered by an approved plan, a contribution with respect to wages
239 (as defined in Section 25-11-5) not exceeding the amount provided
240 in Section 25-11-123(d) if those services constituted employment
241 within the meaning of Articles 1 and 3, and to deduct the amount
242 of the contribution from the wages as and when paid.
243 Contributions so collected shall be paid into the contribution
244 fund as partial discharge of the liability of the political
245 subdivisions or instrumentalities under paragraph (f)(v)2 of this
246 section. Failure to deduct the contribution shall not relieve the
247 employee or employer of liability for the contribution.

248 4. Any state agency, school, political
249 subdivision, instrumentality or any employer that is required to
250 submit contribution payments or wage reports under any section of
251 this chapter shall be assessed interest on delinquent payments or
252 wage reports as determined by the board of trustees in accordance
253 with rules and regulations adopted by the board and delinquent



254 payments, assessed interest and any other amount certified by the
255 board as owed by an employer, may be recovered by action in a
256 court of competent jurisdiction against the reporting agency
257 liable therefor or may, upon due certification of delinquency and
258 at the request of the board of trustees, be deducted from any
259 other monies payable to the reporting agency by any department or
260 agency of the state.

261 5. Each political subdivision of the state
262 and each instrumentality of the state or a political subdivision
263 or subdivisions that submit a plan for approval of the board, as
264 provided in this section, shall reimburse the board for coverage
265 into the expense account, its pro rata share of the total expense
266 of administering Articles 1 and 3 as provided by regulations of
267 the board.

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

274 (h) An employee whose membership in this system is
275 contingent on his own election, and who elects not to become a
276 member, may thereafter apply for and be admitted to membership;
277 but no such employee shall receive prior service credit unless he



278 becomes a member before July 1, 1953, except as provided in
279 paragraph (b).

280 (i) If any member of this system changes his employment
281 to any agency of the state having an actuarially funded retirement
282 system, the board of trustees may authorize the transfer of the
283 member's creditable service and of the present value of the
284 member's employer's accumulation account and of the present value
285 of the member's accumulated membership contributions to that other
286 system, provided that the employee agrees to the transfer of his
287 accumulated membership contributions and provided that the other
288 system is authorized to receive and agrees to make the transfer.

289 If any member of any other actuarially funded system
290 maintained by an agency of the state changes his employment to an
291 agency covered by this system, the board of trustees may authorize
292 the receipt of the transfer of the member's creditable service and
293 of the present value of the member's employer's accumulation
294 account and of the present value of the member's accumulated
295 membership contributions from the other system, provided that the
296 employee agrees to the transfer of his accumulated membership
297 contributions to this system and provided that the other system is
298 authorized and agrees to make the transfer.

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



302 (k) Employees of a political subdivision or
303 instrumentality who were employed by the political subdivision or
304 instrumentality before an agreement between the entity and the
305 Public Employees' Retirement System to extend the benefits of this
306 article to its employees, and which agreement provides for the
307 establishment of retroactive service credit, and who became
308 members of the retirement system before July 1, 2007, and have
309 remained contributors to the retirement system for four (4) years,
310 or who became members of the retirement system on or after July 1,
311 2007, and have remained contributors to the retirement system for
312 eight (8) years, may receive credit for that retroactive service
313 with the political subdivision or instrumentality, provided that
314 the employee and/or employer, as provided under the terms of the
315 modification of the joinder agreement in allowing that coverage,
316 pay into the retirement system the employer's and employee's
317 contributions on wages paid the member during the previous
318 employment, together with interest or actuarial cost as determined
319 by the board covering the period from the date the service was
320 rendered until the payment for the credit for the service was
321 made. Those wages shall be verified by the Social Security
322 Administration or employer payroll records. Effective July 1,
323 1998, upon eligibility as noted above, a member may receive credit
324 for that retroactive service with the political subdivision or
325 instrumentality provided:



326 (i) The member shall furnish proof satisfactory to
327 the board of trustees of certification of those services from the
328 political subdivision or instrumentality where the services were
329 rendered or verification by the Social Security Administration;
330 and

331 (ii) The member shall pay to the retirement system
332 on the date he or she is eligible for that credit or at any time
333 thereafter before the date of retirement the actuarial cost for
334 each year of that creditable service. The provisions of this
335 subparagraph (ii) shall be subject to the limitations of Section
336 415 of the Internal Revenue Code and regulations promulgated under
337 Section 415.

338 Nothing contained in this paragraph (k) shall be construed to
339 limit the authority of the board to allow the correction of
340 reporting errors or omissions based on the payment of employee and
341 employer contributions plus applicable interest. Payment for that
342 time shall be made beginning with the most recent service. Upon
343 the payment of all or part of the required contributions, plus
344 interest or the actuarial cost as provided above, the member shall
345 receive credit for the period of creditable service for which full
346 payment has been made to the retirement system.

347 (1) Through June 30, 1998, any state service eligible
348 for retroactive service credit, no part of which has ever been
349 reported, and requiring the payment of employee and employer
350 contributions plus interest, or, from and after July 1, 1998, any



351 state service eligible for retroactive service credit, no part of
352 which has ever been reported to the retirement system, and
353 requiring the payment of the actuarial cost for that creditable
354 service, may, at the member's option, be purchased in quarterly
355 increments as provided above at the time that its purchase is
356 otherwise allowed.

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

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

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

364 (a) Patient or inmate help in state charitable, penal
365 or correctional institutions;

366 (b) Students of any state educational institution
367 employed by any agency of the state for temporary, part-time or
368 intermittent work;

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

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



376 **III. TERMINATION OF MEMBERSHIP**

377 Membership in this system shall cease by a member withdrawing
378 his accumulated contributions, or by a member withdrawing from
379 active service with a retirement allowance, or by a member's
380 death.

381 **SECTION 3.** Section 25-11-127, Mississippi Code of 1972, is
382 amended as follows:

383 25-11-127. (1) (a) No person who is being paid a
384 retirement allowance or a pension after retirement under this
385 article shall be employed or paid for any service by the State of
386 Mississippi, including services as an employee, contract worker,
387 contractual employee or independent contractor, until the retired
388 person has been retired for not less than ninety (90) consecutive
389 days from his or her effective date of retirement. After the
390 person has been retired for not less than ninety (90) consecutive
391 days from his or her effective date of retirement or such later
392 date as established by the board, he or she may be reemployed
393 while being paid a retirement allowance under the terms and
394 conditions provided in this section. The restrictions on
395 employment after retirement in this subsection shall not apply to
396 persons who are eligible to receive a retirement allowance under
397 this article while serving as a member of the Legislature and who
398 choose to receive the retirement allowance while serving as a
399 member of the Legislature as authorized by Section 25-11-126.



400 (b) No retiree of this retirement system who is
401 reemployed or is reelected to office after retirement shall
402 continue to draw retirement benefits while so reemployed, except
403 as provided in this section or in Section 25-11-126.

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

407 (2) Any person who has been retired under the provisions of
408 Article 3 and who is later reemployed in service covered by this
409 article shall cease to receive benefits under this article unless
410 the person continues to receive a retirement allowance while
411 serving as a member of the Legislature under the authority of
412 Section 25-11-126, and the person shall again become a
413 contributing member of the retirement system. When the person
414 retires again, if the reemployment exceeds six (6) months, the
415 person shall have his or her benefit recomputed, including service
416 after again becoming a member, provided that the total retirement
417 allowance paid to the retired member in his or her previous
418 retirement shall be deducted from the member's retirement reserve
419 and taken into consideration in recalculating the retirement
420 allowance under a new option selected.

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



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

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

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

434 To determine the normal working days for a position under
435 paragraph (a) of this subsection, the employer shall determine the
436 required number of working days for the position on a full-time
437 basis and the equivalent number of hours representing the
438 full-time position. The retiree then may work up to one-half
439 (1/2) of the required number of working days or up to one-half
440 (1/2) of the equivalent number of hours and receive up to one-half
441 (1/2) of the salary for the position. In the case of employment
442 with multiple employers, the limitation shall equal one-half (1/2)
443 of the number of days or hours for a single full-time position.

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



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

449 The restrictions on employment after retirement in this
450 subsection shall not apply to persons who choose to receive or
451 continue to receive a retirement allowance under this article
452 while serving as a member of the Legislature as authorized by
453 Section 25-11-126.

454 (5) Except as otherwise provided in subsection (6) of this
455 section, (a) the employer of any person who is receiving a
456 retirement allowance and who is employed in service covered by
457 subsection (4) of this section as an employee or a contractual
458 employee, and the employer of any person who chooses to receive or
459 continue to receive a retirement allowance under this article
460 while serving as a member of the Legislature as authorized by
461 Section 25-11-126, shall pay to the board the full amount of the
462 employer's contribution on the amount of compensation received by
463 the retiree for his or her employment in accordance with
464 regulations prescribed by the board, and (b) any person who
465 chooses to receive or continue to receive a retirement allowance
466 under this article while serving as a member of the Legislature as
467 authorized by Section 25-11-126 shall pay to the board the full
468 amount of the employee's contribution on the amount of
469 compensation received by the person for serving as a member of the
470 Legislature in accordance with regulations prescribed by the
471 board. The retiree shall not receive any additional creditable



472 service in the retirement system as a result of the payment of the
473 employer's contribution by the employer or the payment of the
474 employee's contribution by the retiree. This subsection does not
475 apply to persons who are receiving a retirement allowance and who
476 contract with an employer to provide services as a true
477 independent contractor, as defined by the board through
478 regulation.

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

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



496 (ii) Elects to receive compensation for that
497 elective office in an amount not to exceed twenty-five percent
498 (25%) of the retiree's average compensation. In order to receive
499 compensation as allowed in this subparagraph, the retiree shall
500 file annually, in writing, in the office of the employer and the
501 office of the executive director of the system, an election to
502 receive, in addition to a retirement allowance, compensation as
503 allowed in this subparagraph.

504 (b) The municipality or county in which the retired
505 person holds elective office shall pay to the board the amount of
506 the employer's contributions on the full amount of the regular
507 compensation for the elective office that the retired person
508 holds.

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

512 **SECTION 4.** This act shall take effect and be in force from
513 and after July 1, 2024.

