

By: Senator(s) Jordan, Furniss

To: Finance

SENATE BILL NO. 2258

1 AN ACT TO AMEND SECTION 25-11-127, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT A MEMBER OF THE PUBLIC EMPLOYEES' RETIREMENT
3 SYSTEM MAY CONTINUE IN COUNTY OR MUNICIPAL ELECTED OFFICE WHILE
4 RETIRED OR A RETIRED MEMBER MAY BE ELECTED TO A COUNTY OR
5 MUNICIPAL ELECTED OFFICE WITHOUT WAIVING RETIREMENT BENEFITS IF
6 THE RETIREE RECEIVES COMPENSATION FOR SUCH OFFICE THAT IS NOT IN
7 EXCESS OF 25% OF SUCH RETIREE'S AVERAGE COMPENSATION; AND FOR
8 RELATED PURPOSES.

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

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

12 25-11-127. (1) No person who is being paid a retirement
13 allowance or a pension after retirement under this article shall
14 be employed or paid for any service by the State of Mississippi,
15 except as provided in this section. * * * This section shall not
16 be construed to mean that any person employed or elected under
17 the * * * exceptions provided for in this section shall become a
18 member under Article 3 of the retirement system, nor shall any
19 retiree of this retirement system who is reemployed or is
20 reelected to office after retirement continue to draw retirement
21 benefits while so reemployed, except as otherwise provided for in
22 this section.

23 (2) Any person who has been retired under the provisions of
24 Articles 1 and 3 and who is later reemployed in service covered by
25 this article shall cease to receive benefits under this article
26 and shall again become a contributing member of the retirement
27 system. When the person retires again, if the reemployment
28 exceeds six (6) months, the person shall have his or her benefit
29 recomputed, including service after again becoming a member,
30 provided that the total retirement allowance paid to the retired



31 member in his or her previous retirement shall be deducted from
32 the member's retirement reserve and taken into consideration in
33 recalculating the retirement allowance under a new option
34 selected.

35 * * *

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

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

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

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

49 To determine the normal working days for a position under
50 paragraph (a) of this subsection, the employer shall determine the
51 required number of working days for the position on a full-time
52 basis and the equivalent number of hours representing the
53 full-time position. The retiree then may work up to one-half
54 (1/2) of the required number of working days or up to one-half
55 (1/2) of the equivalent number of hours and receive up to one-half
56 (1/2) of the salary for the position. In the case of employment
57 with multiple employers, the limitation shall equal one-half (1/2)
58 of the number of days or hours for a single full-time position.

59 Notice shall be given in writing to the executive
60 director * * *, setting forth the facts upon which the employment
61 is being made, and the notice shall be given within five (5) days
62 from the date of employment and also from the date of termination
63 of the employment.



64 (5) Any member who has attained seventy (70) years of age
65 and who has forty (40) or more years of creditable service may
66 continue in office or employment or be reemployed or elected,
67 provided that the person files annually, in writing, in the office
68 of the employer and the office of the executive director of the
69 system before those services, a waiver of all salary or
70 compensation and elects to receive in lieu of that salary or
71 compensation a retirement allowance as provided in this section,
72 in which event no salary or compensation shall thereafter be due
73 or payable for those services. However, any such officer or
74 employee may receive, in addition to the retirement allowance, any
75 per diem, office expense allowance, mileage or travel expense
76 authorized by any statute of the State of Mississippi.

77 (6) Any member may continue in municipal or county elected
78 office * * * or be * * * elected to a municipal or county office,
79 provided that the person:

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

91 (b) Receives compensation for such elective office in
92 an amount not to exceed twenty-five percent (25%) of such
93 retiree's average compensation.

94 **SECTION 2.** This act shall take effect and be in force from
95 and after July 1, 2002.

