

By: Representative Manning

To: Appropriations

HOUSE BILL NO. 55

1 AN ACT TO AMEND SECTION 25-11-112, MISSISSIPPI CODE OF 1972,  
 2 TO PROVIDE THAT THE ADDITIONAL ANNUAL PAYMENTS MADE TO RETIRED  
 3 MEMBERS AND BENEFICIARIES UNDER THE PUBLIC EMPLOYEES' RETIREMENT  
 4 SYSTEM SHALL BE PAID TO THE ESTATE OF ANY RETIRED MEMBER OR  
 5 BENEFICIARY WHO DIES BETWEEN JUNE 30 AND DECEMBER 1; TO PROVIDE  
 6 THAT THE ADDITIONAL ANNUAL PAYMENTS SHALL BE PAID TO THE ESTATE OF  
 7 ANY RETIRED MEMBER OR BENEFICIARY WHO DIES ON ANY DAY OTHER THAN  
 8 JUNE 30, WITH THE AMOUNT OF THE PAYMENTS FOR THE LAST FISCAL YEAR  
 9 OF RETIREMENT PRORATED THROUGH THE MONTH OF DEATH OF THE MEMBER OR  
 10 BENEFICIARY; TO SPECIFY WHEN THE PAYMENTS WILL BE PAID TO THE  
 11 ESTATE OF THE DECEASED RETIRED MEMBER OR BENEFICIARY; TO SPECIFY  
 12 THE CONDITIONS UNDER WHICH THE PROVISIONS OF THIS ACT WILL BE  
 13 APPLICABLE; AND FOR RELATED PURPOSES.

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

15 SECTION 1. Section 25-11-112, Mississippi Code of 1972, is  
 16 amended as follows:

17 25-11-112. (1) Persons who on December 1 of each year, or  
 18 July 1 of each year as provided for in subsection (6) of this  
 19 section, are receiving a retirement allowance for service or  
 20 disability retirement, or beneficiaries thereof, shall receive in  
 21 one (1) additional payment an amount equal to a cumulative  
 22 percentage of (a) two and one-half percent (2-1/2%) of the annual  
 23 retirement allowance for each full fiscal year of retirement  
 24 through June 30, 1984, (b) for each full fiscal year of retirement  
 25 after June 30, 1984 and through June 30, 1993, the annual  
 26 percentage increase in the Consumer Price Index set by the United

27 States Government in each fiscal year, not exceeding two and  
28 one-half percent (2-1/2%) for any fiscal year, and (c) for each  
29 full fiscal year of retirement after June 30, 1993, the annual  
30 percentage increase in the Consumer Price Index set by the United  
31 States Government for the calendar year ending during each fiscal  
32 year, not exceeding two and one-half percent (2-1/2%) for any  
33 fiscal year, times the amount of the annual retirement allowance.

34 The cumulative percentage provided in this subsection for any  
35 particular year shall not be less than the cumulative percentage  
36 provided for the previous year.

37 (2) Persons who on December 1 of each year are receiving a  
38 retirement allowance for service or disability retirement, or  
39 beneficiaries thereof, may receive, in addition to the cumulative  
40 percentage described in subsection (1) of this section, a payment  
41 as determined by the board, calculated in increments of  
42 one-quarter of one percent (1/4 of 1%), not to exceed one and  
43 one-half percent (1-1/2%) of the annual retirement allowance for  
44 each full fiscal year of retirement, provided that any such  
45 payment shall be contingent upon the reserve for annuities in  
46 force for retired members and beneficiaries providing sufficient  
47 investment gains in excess of the accrued actuarial liabilities  
48 for the previous fiscal year as certified by the actuary and  
49 determined by the board.

50 (3) Except as otherwise provided in subsection (7)(b) of  
51 this section, the percentages of this section shall be based on  
52 each full fiscal year that the retired member or beneficiary has  
53 actually drawn retirement payments from the date of retirement, or  
54 the date of last retirement if there is more than one (1)  
55 retirement date.

56 (4) Each retired member, or beneficiary thereof, who  
57 receives an annual retirement allowance based on the average

58 compensation for a period of five (5) successive or joined years  
59 and who receives a retirement allowance for the month of June,  
60 1985, shall receive an ad hoc increase of three percent (3%) in  
61 such retirement allowance effective July 1, 1985.

62 (5) Persons eligible to receive the payments provided in  
63 subsections (1) and (2) of this section shall receive such  
64 payments in one (1) additional payment, except that such person  
65 may elect by an irrevocable agreement on a form prescribed by the  
66 board of trustees to receive such payments in not less than equal  
67 monthly installments not to exceed six (6) months during the  
68 remaining months of the current fiscal year. In the event of  
69 death of a person or a beneficiary thereof receiving monthly  
70 benefits, any remaining amounts shall be paid in a lump sum to the  
71 designated beneficiary.

72 (6) Retired persons or beneficiaries thereof, who on July 1,  
73 1994, or July 1 of any fiscal year thereafter, are receiving a  
74 retirement allowance, may elect by an irrevocable agreement in  
75 writing filed in the office of the Public Employees' Retirement  
76 System no less than thirty (30) days prior to July 1, of the  
77 appropriate year, to begin receiving the payments provided for in  
78 subsection (1) of this section in twelve (12) equal installments  
79 beginning July 1, 1994, or July 1 of any fiscal year thereafter.  
80 Such irrevocable agreement shall be binding on the member and  
81 subsequent beneficiaries. The cumulative percentage provided in  
82 subsection (1) of this section and paid in twelve (12) equal  
83 installments for any particular year shall not be less than the  
84 cumulative percentage provided for the previous year. However,  
85 payment of such installments shall not extend beyond the month in

86 which a retirement allowance is due and payable. Any additional  
87 amounts approved by the board under subsection (2) of this section  
88 shall be paid in one (1) lump sum payment to retirees and  
89 beneficiaries in accordance with subsection (2) of this section.

90 (7) (a) The payments provided for in subsections (1) and  
91 (2) of this section shall be paid to the estate of any retired  
92 member or beneficiary receiving a retirement allowance who dies  
93 after June 30 and before December 1 of any calendar year, if the  
94 conditions of paragraph (e) of this subsection are met.

95 (b) The payments provided for in subsections (1) and  
96 (2) of this section shall be paid to the estate of any retired  
97 member or beneficiary receiving a retirement allowance who dies on  
98 any day other than June 30, if the conditions of paragraph (f) of  
99 this subsection are met, with the amount of the payments for the  
100 last fiscal year of retirement prorated from the end of the  
101 previous fiscal year through the end of the month of the death of  
102 the retired member or beneficiary.

103 (c) The payments provided for in both paragraphs (a)  
104 and (b) of this subsection shall be paid to the estate of any  
105 retired member or beneficiary who has not made an election under  
106 subsection (6) of this section to receive the payments in equal  
107 installments and who dies after June 30 and before December 1 of  
108 any calendar year.

109 (d) The payments provided for in this section shall be  
110 paid to the estate of the retired member or beneficiary in the  
111 December following his death, or in the July following his death,  
112 in the case of a retired member or beneficiary who has made an  
113 election under subsection (6) of this section to receive the

114 payments in equal installments.

115 (e) The provisions of paragraph (a) of this subsection  
116 shall be applicable only if the retirement allowance of the  
117 retired member or beneficiary will not be continued for any other  
118 designated beneficiary under an option selected by the member, the  
119 member or beneficiary otherwise would have been eligible to  
120 receive the payments provided for in subsections (1) and (2) of  
121 this section if he had lived through the December 1 following his  
122 death, and the retired member or beneficiary has not made an  
123 election under subsection (6) of this section to receive the  
124 payments in equal installments.

125 (f) The provisions of paragraph (b) of this subsection  
126 shall be applicable only if the retirement allowance of the  
127 retired member or beneficiary will not be continued for any other  
128 designated beneficiary under an option selected by the member, and  
129 the member or beneficiary otherwise would have been eligible to  
130 receive the payments provided for in subsections (1) and (2) of  
131 this section if he had lived through the December 1 following his  
132 death, or through the July 1 following his death, in the case of a  
133 retired member or beneficiary who has made an election under  
134 subsection (6) of this section to receive the payments in equal  
135 installments.

136 SECTION 2. This act shall take effect and be in force from  
137 and after July 1, 1999.