

By: Representative Frierson

To: Appropriations

HOUSE BILL NO. 693

1 AN ACT TO AMEND SECTION 25-13-9, MISSISSIPPI CODE OF 1972, TO
2 INCREASE THE MINIMUM MONTHLY AMOUNTS OF THE RETIREMENT ALLOWANCE
3 OF MEMBERS AND BENEFICIARIES OF THE HIGHWAY SAFETY PATROL
4 RETIREMENT SYSTEM WHO WERE RETIRED FOR DISABILITY; TO AMEND
5 SECTION 25-13-11, MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE
6 PRECEDING PROVISION; AND FOR RELATED PURPOSES.

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

8 SECTION 1. Section 25-13-9, Mississippi Code of 1972, is
9 amended as follows:

10 25-13-9. (1) Upon application of a member or his employer,
11 any member who has not attained the age of fifty-five (55) years
12 may be retired by the administrative board created by this
13 chapter, not less than thirty (30) and not more than ninety (90)
14 days next following the date of filing such application, on a
15 disability retirement allowance, provided that the medical board
16 for the Public Employees' Retirement System of Mississippi, after
17 a medical examination, shall certify that he is mentally or
18 physically incapacitated for the performance of duty, that such
19 incapacity is likely to be permanent, and that such sickness or
20 injury was caused or sustained as a direct result of duty in the
21 Highway Safety Patrol after the effective date of this chapter.

22 Any former uniformed highway safety patrolman who has had not
23 less than two (2) years of prior service with the Highway Safety
24 Patrol and who was disabled by wounds or accident in line of duty,
25 and who has returned to duty with the Highway Safety Patrol, and
26 who becomes a member of the Highway Safety Patrol Retirement
27 System with prior years service credits as provided in this
28 chapter, may, if his disability from his previous wounds or

29 accident received in line of duty returns and he again becomes
30 totally and permanently disabled, receive full benefits as a
31 disability retirant for service-connected disability.

32 Upon the application of a member or his employer, any member
33 who is not yet eligible for service retirement benefits and who
34 has had at least ten (10) years of creditable service may be
35 retired by the administrative board, not less than thirty (30) and
36 not more than ninety (90) days next following the date of filing
37 such application, on disability retirement allowance, provided
38 that the medical board of the Public Employees' Retirement System
39 of Mississippi, after a medical examination, shall certify that he
40 is mentally or physically incapacitated for the further
41 performance of duty, that such incapacity is likely to be
42 permanent, and that he should be retired. Such disability need
43 not be service-connected.

44 (2) Upon retirement for disability, a member shall receive a
45 disability benefit equal to fifty percent (50%) of his average
46 salary for the two (2) years immediately preceding his retirement,
47 but not less than the following amounts:

48 Any retired member who has completed at least fifteen (15)
49 years of creditable service shall receive not less than One
50 Thousand Dollars (\$1,000.00) per month; any retired member who has
51 completed ten (10) or more years of creditable service, but less
52 than fifteen (15) years of creditable service, shall receive not
53 less than Eight Hundred Dollars (\$800.00) per month; and any
54 retired member who has completed less than ten (10) years of
55 creditable service shall receive not less than Seven Hundred Fifty
56 Dollars (\$750.00) per month. A beneficiary who is receiving a
57 retirement allowance of a member who retired for disability shall
58 receive not less than Seven Hundred Fifty Dollars (\$750.00) per
59 month or Nine Thousand Dollars (\$9,000.00) per year.

60 (3) Once each year during the first five (5) years following
61 retirement of a member on a disability retirement allowance, and
62 once in every period of three (3) years thereafter, the
63 administrative board may, and upon his application shall, require
64 any disability beneficiary who has not yet attained the age of
65 fifty-five (55) years to undergo a medical examination, such

66 examination to be made at the place of residence of the
67 beneficiary or other place mutually agreed upon, by the medical
68 board of the Public Employees' Retirement System. Should any
69 disability beneficiary who has not yet attained the age of
70 fifty-five (55) years refuse to submit to any medical examination
71 provided for herein, his allowance may be discontinued until his
72 withdrawal of such refusal, and should his refusal continue for
73 one (1) year all his rights in that part of the disability benefit
74 provided by employer contributions shall be revoked by the
75 administrative board.

76 (4) If the medical board reports and certifies to the
77 administrative board that such disability beneficiary is engaged
78 in, or is able to engage in, a gainful occupation paying more than
79 the difference between his disability benefit and the average
80 compensation, and if the administrative board concurs in such
81 report, the disability benefit shall be reduced to an amount
82 which, together with the amount earnable by him, shall equal the
83 amount of his average compensation. If his earning capacity be
84 later changed, the amount of the * * * benefit may be further
85 modified; provided, that the revised benefit shall not exceed the
86 amount originally granted nor an amount which, when added to the
87 amount earnable by the beneficiary, equals the amount of his
88 average compensation.

89 (5) Should a disability beneficiary under the age of
90 fifty-five (55) years be restored to active service at a
91 compensation not less than his average compensation, his
92 disability benefit shall cease; he shall again become a member of
93 the retirement system, and he shall contribute thereafter at the
94 same rate he paid prior to disability. Any such prior service
95 certificate on the basis of which his service was computed at the
96 time of retirement shall be restored to full force and effect. In
97 addition, upon his subsequent retirement he shall be credited with
98 all creditable service as a member, including the period for which

99 he was paid disability benefits.

100 SECTION 2. Section 25-13-11, Mississippi Code of 1972, is
101 amended as follows:

102 25-13-11. Any member upon withdrawal from service, upon or
103 after attainment of the age of fifty-five (55) years, who shall
104 have completed at least five (5) years of creditable service, or
105 any member upon withdrawal from service upon or after attainment
106 of the age of forty-five (45) years, who shall have completed at
107 least twenty (20) years of creditable service, or any member upon
108 withdrawal from service, regardless of age, who shall have
109 completed at least twenty-five (25) years of creditable service,
110 shall be entitled to receive a retirement allowance which shall be
111 payable the first of the month following receipt of the member's
112 application in the office of the Executive Director of the Public
113 Employees' Retirement Service, but in no event before withdrawal
114 from service.

115 Any member whose withdrawal from service occurs prior to
116 attaining the age of fifty-five (55) years, who shall have
117 completed more than five (5) years of creditable service and shall
118 not have received a refund of the member's accumulated
119 contributions, shall be entitled to receive a retirement allowance
120 beginning upon his attaining the age of fifty-five (55) years of
121 the amount earned and accrued at the date of withdrawal from
122 service.

123 The annual amount of the retirement allowance shall consist
124 of:

125 (a) A member's annuity, which shall be the actuarial
126 equivalent of the accumulated contributions of the member at the
127 time of retirement, computed according to the actuarial table in
128 use by the system.

129 (b) An employer's annuity which, together with the
130 member's annuity provided above, shall be equal to two and
131 one-half percent (2-1/2%) of the average compensation, based on

132 the four (4) highest consecutive years, for each year of
133 membership service.

134 (c) A prior service annuity equal to two and one-half
135 percent (2-1/2%) of the average compensation, based on the four
136 (4) highest consecutive years, for each year of prior service for
137 which the member is allowed credit.

138 (d) In the case of retirement of any member prior to
139 attaining the age of fifty-five (55) years, the retirement
140 allowance shall be computed in accordance with the formula
141 hereinabove set forth in this section, except that the employer's
142 annuity and prior service annuity above described shall be reduced
143 three percent (3%) for each year of age below fifty-five (55)
144 years, or three percent (3%) for each year of service below
145 twenty-five (25) years of creditable service, whichever is lesser.

146 (e) Upon retiring from service, a member shall be
147 eligible to obtain retirement benefits, as computed above, for
148 life, except that the aggregate amount of the employer's annuity
149 and prior service annuity above described shall not exceed more
150 than eighty-five percent (85%) of the average compensation
151 regardless of the years of service.

152 (f) Any member in the service who shall have attained
153 the age of sixty (60) years shall be retired forthwith.

154 (g) Any retired member who is receiving a service or
155 disability retirement allowance on or after July 1, 1980, shall
156 receive at least Fifteen Dollars (\$15.00) per month for each year
157 of creditable service and proportionately for each quarter-year
158 thereof, reduced in accordance with this section.

159 (h) Notwithstanding any provision of this chapter
160 pertaining to the Mississippi Highway Safety Patrol Retirement
161 System, no payments may be made for a retirement allowance on a
162 monthly basis for a period of time in excess of that allowed by
163 any applicable federal law.

164 (i) Any retired member or beneficiary thereof who is

165 eligible to receive a retirement allowance on July 1, 1990, shall
166 receive a ten percent (10%) ad hoc increase in the annual
167 retirement allowance of the retired member or beneficiary. In no
168 case shall any retired member receiving a service retirement
169 allowance who has completed at least fifteen (15) years of
170 creditable service receive less than Five Hundred Dollars
171 (\$500.00) per month; in no case shall any retired member receiving
172 a service retirement allowance who has completed ten (10) or more
173 years of creditable service, but less than fifteen (15) years of
174 creditable service, receive less than Three Hundred Dollars
175 (\$300.00) per month; and in no case shall any retired member
176 receiving a service retirement allowance who has completed less
177 than ten (10) years of creditable service receive less than Two
178 Hundred Fifty Dollars (\$250.00) per month. In no case shall a
179 beneficiary who is receiving a retirement allowance of a member
180 who retired for service receive less than Two Hundred Fifty
181 Dollars (\$250.00) per month or Three Thousand Dollars (\$3,000.00)
182 per year.

183 SECTION 3. This act shall take effect and be in force from
184 and after July 1, 1999.