

By: Representatives Perry, McCoy

To: Appropriations

HOUSE BILL NO. 784  
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 25-13-11, MISSISSIPPI CODE OF 1972,  
2 TO PROVIDE FOR AN INCREASE IN THE ANNUAL RETIREMENT ALLOWANCE OF  
3 EACH RETIRED MEMBER OF THE HIGHWAY SAFETY PATROL RETIREMENT SYSTEM  
4 IN AN AMOUNT EQUAL TO \$3.50 PER MONTH FOR EACH FULL FISCAL YEAR  
5 RETIRED AND \$1.00 PER MONTH FOR EACH FULL FISCAL YEAR OF  
6 CREDITABLE SERVICE AT THE TIME OF RETIREMENT; TO PROVIDE FOR A  
7 PROPORTIONATE SHARE OF THE AD HOC INCREASE IF THERE ARE MULTIPLE  
8 BENEFICIARIES RECEIVING A RETIREMENT ALLOWANCE FROM A DECEASED  
9 MEMBER'S ACCOUNT; TO AMEND SECTION 25-13-12, MISSISSIPPI CODE OF  
10 1972, TO DELETE THE PROVISION THAT THE ADDITIONAL ANNUAL PAYMENT  
11 FOR RETIRED MEMBERS OF THE MISSISSIPPI HIGHWAY SAFETY PATROL  
12 RETIREMENT SYSTEM WILL BE BASED ON THE ANNUAL PERCENTAGE INCREASE  
13 IN THE CONSUMER PRICE INDEX; TO PROVIDE THAT IF A PERSON WHO IS  
14 RECEIVING A RETIREMENT ALLOWANCE THAT WILL TERMINATE UPON HIS  
15 DEATH IS RECEIVING THE ADDITIONAL ANNUAL PAYMENT IN ONE PAYMENT  
16 AND DIES ON OR AFTER JULY 1 BUT BEFORE DECEMBER 1, THE BENEFICIARY  
17 OR ESTATE OF THE PERSON SHALL RECEIVE A FRACTIONAL PART OF THE  
18 ADDITIONAL PAYMENT BASED ON THE NUMBER OF MONTHS IN WHICH A  
19 RETIREMENT ALLOWANCE WAS RECEIVED DURING THE FISCAL YEAR; AND FOR  
20 RELATED PURPOSES.

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

22 SECTION 1. Section 25-13-11, Mississippi Code of 1972, is  
23 amended as follows:

24 25-13-11. Any member upon withdrawal from service, upon or  
25 after attainment of the age of fifty-five (55) years, who shall  
26 have completed at least five (5) years of creditable service, or  
27 any member upon withdrawal from service upon or after attainment  
28 of the age of forty-five (45) years, who shall have completed at  
29 least twenty (20) years of creditable service, or any member upon  
30 withdrawal from service, regardless of age, who shall have  
31 completed at least twenty-five (25) years of creditable service,  
32 shall be entitled to receive a retirement allowance which shall be  
33 payable the first of the month following receipt of the member's  
34 application in the office of the Executive Director of the Public  
35 Employees' Retirement Service, but in no event before withdrawal  
36 from service.

37 Any member whose withdrawal from service occurs prior to  
38 attaining the age of fifty-five (55) years, who shall have  
39 completed more than five (5) years of creditable service and shall  
40 not have received a refund of the member's accumulated  
41 contributions, shall be entitled to receive a retirement allowance  
42 beginning upon his attaining the age of fifty-five (55) years of  
43 the amount earned and accrued at the date of withdrawal from  
44 service.

45 The annual amount of the retirement allowance shall consist  
46 of:

47 (a) A member's annuity, which shall be the actuarial  
48 equivalent of the accumulated contributions of the member at the  
49 time of retirement, computed according to the actuarial table in  
50 use by the system.

51 (b) An employer's annuity which, together with the  
52 member's annuity provided above, shall be equal to two and  
53 one-half percent (2-1/2%) of the average compensation, based on  
54 the four (4) highest consecutive years, for each year of  
55 membership service.

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

60 (d) In the case of retirement of any member prior to  
61 attaining the age of fifty-five (55) years, the retirement  
62 allowance shall be computed in accordance with the formula  
63 hereinabove set forth in this section, except that the employer's  
64 annuity and prior service annuity above described shall be reduced  
65 three percent (3%) for each year of age below fifty-five (55)  
66 years, or three percent (3%) for each year of service below  
67 twenty-five (25) years of creditable service, whichever is lesser.

68 (e) Upon retiring from service, a member shall be  
69 eligible to obtain retirement benefits, as computed above, for  
70 life, except that the aggregate amount of the employer's annuity

71 and prior service annuity above described shall not exceed more  
72 than eighty-five percent (85%) of the average compensation  
73 regardless of the years of service.

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

76 \* \* \*

77 (g) Notwithstanding any provision of this chapter  
78 pertaining to the Mississippi Highway Safety Patrol Retirement  
79 System, no payments may be made for a retirement allowance on a  
80 monthly basis for a period of time in excess of that allowed by  
81 any applicable federal law.

82 (h) \* \* \* In no case shall any retired member who has  
83 completed at least fifteen (15) years of creditable service  
84 receive less than Five Hundred Dollars (\$500.00) per month; in no  
85 case shall any retired member who has completed ten (10) or more  
86 years of creditable service, but less than fifteen (15) years of  
87 creditable service, receive less than Three Hundred Dollars  
88 (\$300.00) per month; and in no case shall any retired member who  
89 has completed less than ten (10) years of creditable service  
90 receive less than Two Hundred Fifty Dollars (\$250.00) per month.  
91 In no case shall a beneficiary who is receiving a retirement  
92 allowance receive less than Two Hundred Fifty Dollars (\$250.00)  
93 per month or Three Thousand Dollars (\$3,000.00) per year.

94 (i) Any retired member who is receiving a retirement  
95 allowance on July 1, 1999, shall receive an ad hoc increase in the  
96 annual retirement allowance equal to Three Dollars and Fifty Cents  
97 (\$3.50) per month for each full fiscal year through June 30, 1999,  
98 that the member has actually drawn retirement payments from the  
99 date of retirement, or the date of last retirement if there is  
100 more than one (1) retirement date, plus an amount equal to One  
101 Dollar (\$1.00) per month for each full year of creditable service  
102 and proportionately for each quarter year of creditable service,  
103 as documented by the system and on which benefits are being paid.  
104 If there are multiple beneficiaries receiving a retirement

105 allowance from a deceased member's account, the ad hoc increase  
106 shall be divided proportionately.

107 SECTION 2. Section 25-13-12, Mississippi Code of 1972, is  
108 amended as follows:

109 25-13-12. (1) Patrol officers who have retired and who on  
110 December 1 of each year, or July 1 of each year as provided for in  
111 subsection (7) of this section, are receiving a retirement  
112 allowance for service or disability retirement, or their  
113 beneficiaries, shall receive in one (1) additional payment an  
114 amount equal to \* \* \* two and one-half percent (2-1/2%) of the  
115 annual retirement allowance for each full fiscal year of  
116 retirement \* \* \*.

117 (2) Persons who on December 1 of each year are receiving a  
118 retirement allowance for service or disability retirement, or  
119 their beneficiaries, may receive, in addition to the amount  
120 provided in subsection (1) of this section, a payment, as  
121 determined by the board, calculated in increments of one-quarter  
122 of one percent (1/4 of 1%), not to exceed one and one-half percent  
123 (1-1/2%) of the annual retirement allowance, for each full year of  
124 retirement, provided that any such payment shall be contingent  
125 upon the reserve for annuities in force for retired members and  
126 beneficiaries providing sufficient investment gains in excess of  
127 the accrued actuarial liabilities for the previous fiscal year as  
128 certified by the actuary and determined by the board.

129 (3) The percentages in this section shall be based on each  
130 full fiscal year that the retired member or beneficiary has  
131 actually drawn retirement payments from the date of retirement, or  
132 the date of last retirement if there is more than one (1)  
133 retirement date.

134 (4) If a person who is receiving a retirement allowance that  
135 will terminate upon the person's death is receiving the additional  
136 payments under subsections (1) and (2) of this section in one (1)  
137 payment and dies on or after July 1 but before December 1, the  
138 beneficiary or estate of the person shall receive in a single

139 payment a fractional part of the additional payments based on the  
140 number of months in which a retirement allowance was received  
141 during the fiscal year.

142       (5) Each retired member or beneficiary thereof who receives  
143 an annual retirement allowance based on the average compensation  
144 for a period of five (5) successive or joined years and who  
145 receives a retirement allowance for the month of June, 1986, shall  
146 receive an ad hoc increase of three percent (3%) in such  
147 retirement allowance effective July 1, 1986.

148       (6) Persons eligible to receive the payments provided in  
149 subsections (1) and (2) of this section shall receive such  
150 payments in one (1) additional payment, except that such person  
151 may elect by an irrevocable agreement on a form prescribed by the  
152 board of trustees to receive such payments in not less than equal  
153 monthly installments not to exceed six (6) months during the  
154 remaining months of the current fiscal year. In the event of  
155 death of a person or a beneficiary thereof receiving monthly  
156 benefits, any remaining amounts shall be paid in a lump sum to the  
157 designated beneficiary.

158       (7) Retired persons or beneficiaries thereof who on July 1,  
159 1997, or July 1 of any fiscal year thereafter, are receiving a  
160 retirement allowance, may elect by an irrevocable agreement in  
161 writing filed in the office of the Public Employees' Retirement  
162 System no less than thirty (30) days before July 1 of the  
163 appropriate year, to begin receiving the payments provided for in  
164 subsection (1) of this section in twelve (12) equal installments  
165 beginning July 1, 1997, or July 1 of any fiscal year thereafter.  
166 This irrevocable agreement shall be binding on the member and  
167 subsequent beneficiaries. The cumulative percentage provided in  
168 subsection (1) of this section and paid in twelve (12) equal  
169 installments for any particular year shall not be less than the  
170 cumulative percentage provided for the previous year. However,  
171 payment of the installments shall not extend beyond the month in  
172 which a retirement allowance is due and payable. Any additional

173 amounts approved by the board under subsection (2) of this section  
174 shall be paid in one (1) lump sum payment to retirees and  
175 beneficiaries in accordance with subsection (2) of this section.

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