

By: Representative Guice

To: Appropriations

HOUSE BILL NO. 1260

1 AN ACT TO AMEND SECTION 25-13-11, MISSISSIPPI CODE OF 1972,
2 TO ALLOW MEMBERS OF THE MISSISSIPPI HIGHWAY SAFETY PATROL TO
3 CONTINUE IN SERVICE BEYOND AGE 60 FOR PERIODS OF ONE YEAR UNTIL
4 AGE SIXTY-FIVE, IF THE COMMISSIONER OF PUBLIC SAFETY DETERMINES
5 THAT THE MEMBER'S CONTINUANCE IN SERVICE WOULD BE ADVANTAGEOUS TO
6 THE HIGHWAY PATROL BECAUSE OF HIS EXPERT KNOWLEDGE, EXPERIENCE OR
7 QUALIFICATIONS AND THE BOARD OF TRUSTEES OF THE RETIREMENT SYSTEM
8 AUTHORIZES THE MEMBER TO CONTINUE IN SERVICE; AND FOR RELATED
9 PURPOSES.

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

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

13 25-13-11. Any member upon withdrawal from service, upon or
14 after attainment of the age of fifty-five (55) years, who shall
15 have completed at least five (5) years of creditable service, or
16 any member upon withdrawal from service upon or after attainment
17 of the age of forty-five (45) years, who shall have completed at
18 least twenty (20) years of creditable service, or any member upon
19 withdrawal from service, regardless of age, who shall have
20 completed at least twenty-five (25) years of creditable service,
21 shall be entitled to receive a retirement allowance which shall be
22 payable the first of the month following receipt of the member's
23 application in the office of the Executive Director of the Public
24 Employees' Retirement Service, but in no event before withdrawal
25 from service.

26 Any member whose withdrawal from service occurs prior to
27 attaining the age of fifty-five (55) years, who shall have
28 completed more than five (5) years of creditable service and shall
29 not have received a refund of the member's accumulated

30 contributions, shall be entitled to receive a retirement allowance
31 beginning upon his attaining the age of fifty-five (55) years of
32 the amount earned and accrued at the date of withdrawal from
33 service.

34 The annual amount of the retirement allowance shall consist
35 of:

36 (a) A member's annuity, which shall be the actuarial
37 equivalent of the accumulated contributions of the member at the
38 time of retirement, computed according to the actuarial table in
39 use by the system.

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

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

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

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

63 (f) Any member in the service who shall have attained
64 the age of sixty (60) years shall be retired forthwith. However,
65 any member who has attained age sixty (60) may ask the
66 Commissioner of Public Safety to allow him to continue in service

67 with the Mississippi Highway Safety Patrol beyond age sixty (60).
68 If the commissioner determines that the member's continuance in
69 service would be advantageous to the Highway Safety Patrol because
70 of his expert knowledge, experience or qualifications, the
71 commissioner and the member shall apply in writing to the board of
72 trustees of the retirement system to allow the member to continue
73 in service beyond age sixty (60). Upon receipt of the
74 application, the board of trustees may authorize the member to
75 continue in service beyond age sixty (60) for a period of one (1)
76 year. After the initial one-year continuance, upon application by
77 the commissioner and the member, the board of trustees may
78 authorize the member to continue in service for additional periods
79 of one (1) year until the member attains age sixty-five (65), at
80 which time retirement shall be mandatory.

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

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

91 (i) Any retired member or beneficiary thereof who is
92 eligible to receive a retirement allowance on July 1, 1990, shall
93 receive a ten percent (10%) ad hoc increase in the annual
94 retirement allowance of the retired member or beneficiary. In no
95 case shall any retired member who has completed at least fifteen
96 (15) years of creditable service receive less than Five Hundred
97 Dollars (\$500.00) per month; in no case shall any retired member
98 who has completed ten (10) or more years of creditable service,
99 but less than fifteen (15) years of creditable service, receive

100 less than Three Hundred Dollars (\$300.00) per month; and in no
101 case shall any retired member who has completed less than ten (10)
102 years of creditable service receive less than Two Hundred Fifty
103 Dollars (\$250.00) per month. In no case shall a beneficiary who
104 is receiving a retirement allowance receive less than Two Hundred
105 Fifty Dollars (\$250.00) per month or Three Thousand Dollars
106 (\$3,000.00) per year.

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